New Jersey State Library

Request for Quotations

General Statewide Databases

Issued by:

New Jersey State Library
185 West State Street
P.O. Box 520
Trenton, NJ 08625-0520

Phone: 609-278-2640 ext. 157

Date issued: Feb. 18, 2019
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Appendix A: Current List of Statewide Databases

Appendix B: New Jersey State Library RFQ Attachments
REQUEST FOR QUOTATIONS (RFQ) SPECIFICATIONS
NEW JERSEY STATE LIBRARY
GENERAL STATEWIDE DATABASES

Notice is hereby given that RFQ proposals for the New Jersey State Library will be accepted in paper and electronic submission to the Business Office of the State Library, 185 West State Street, P.O. Box 520, Trenton, New Jersey 08625 until 5:00 p.m. EST on April 1, 2019. See Sections 9.2 and Section 11 for full instructions on submission of bid.

SECTION 1 – INTRODUCTION:

1.1 Purpose

The goal of the New Jersey State Library’s (NJSL) Statewide Database Program is to provide access to a broad range of electronic resources through the JerseyClicks portal and library websites on a statewide basis in the most cost effective manner. NJSL desires to improve access to our statewide electronic resources, therefore we are interested in continuing to provide IP geolocation-based access to our statewide databases for this next contract period. (see section 10.2.8).

This bid solicitation is issued by NJSL on behalf of academic, hospital, medical, public and school libraries in New Jersey. The purpose of this bid solicitation is to solicit quotes for multi-disciplinary database services through the JerseyClicks portal and participating library websites.

The intent of this Bid Solicitation is to award (a) contract to the (those) responsible vendor(s) whose quote(s) conforming to this Bid Solicitation is (are) most advantageous to NJSL. The State Library reserves the right to separately procure individual requirements that are the subject of the contract during the contract term when deemed to be in the State Library's best interest.

JerseyClicks databases (www.jerseyclicks.org) are currently available to all New Jersey’s public, academic, hospital, medical and school libraries and library users as well as the New Jersey State Library and its users. NJSL will enter into a three-year contract with each selected bidder, subject to annual appropriations from the State and Federal government to the State Library. Thus, quotation proposals submitted in response to this RFQ may be awarded to the lowest responsible bidder, price and other factors considered.

NJSL seeks quotations from qualified bidders to provide online graphical, bibliographic and full-text access to reference databases covering a broad range of disciplines. These disciplines include, but are not limited to:
• Business
• Job-seeking/Workforce development
• Educational resources
• Health
• History
• Literature
• Genealogy
• Newspaper articles
• Science
• Current events and social issues
• Language learning
• Homework help
• Early literacy
• Civic engagement

Bidders are encouraged to submit multi-database package quotation proposals when appropriate. If submitting a multi-database package, it is a requirement that each database be listed and quoted separately.

Additional content or products may also be proposed as an incentive to license the bidder’s primary offerings that satisfy the scope of this procurement.

1.2 Background Information

Currently, NJSL allocates funding and will administer the statewide database program. It is anticipated that this program will be funded on an annual basis subject to availability of State and Federal funding.

Please see Appendix A for the database titles that are presently licensed by NJSL for their user groups.

1.3 Product Requirements

The New Jersey State Library requires the products to be:
1. User-friendly. New Jersey residents must be able to use the product(s) from their homes, offices, schools, and libraries with little instruction from librarians.
2. Compatible with a wide variety of technological platforms and World Wide Web browsers including, but not limited to: Internet Explorer, Chrome, Firefox, and Safari.
3. Available in graphical format and in full text for a significant portion of the database resources.
5. Accessible via IP geolocation authentication from within New Jersey, or via IP authentication within New Jersey library facilities and with library card number authentication from homes and offices.
6. Capable of providing usage statistics, with statistics categorized by library when possible.
7. The product must have mobile capabilities, with a mobile app being desirable if available.

SECTION 2 – TERM AND SCOPE OF QUOTATION PROPOSALS

2.1. Intent to Award

It is the intent of NJSL that this RFQ, the response of the successful bidder(s), and any subsequent modifications or additions mutually agreed to in writing will be incorporated into a written contract between the parties.

The State Library’s RFQ, with its Terms and Conditions and the Laws of the State of New Jersey, shall prevail, if the successful bidder’s Terms conflict with those outlined in this RFQ.

2.2 Term of Quotations

License agreements must cover a three-year time period from July 1, 2019 to June 30, 2022. Proposals submitted in response to the RFQ that are cost effective for NJSL will be more favorably considered, although price will not be the only factor considered for the selection of bidder quotations. Bidders using third-party vendors must have a valid license agreement for the term of this contract with said vendor(s).

2.3 Scope of User Group to be included in quotations in response to RFQ

The primary user group to be served by the statewide databases via this RFQ consists of all New Jersey residents, including users from the New Jersey State Library and academic, public, school, medical, hospital, special and institutional libraries that are members of the New Jersey Library Network (NJLN), with access provided for each library’s staff and patrons. However, due to geo-location authentication, any individual using a device with a New Jersey identifiable IP address will also have access. In 2017, there were approximately 4.1 million public library cardholders from 298 New Jersey Public Library administrative units.

SECTION 3 - RFQ REVIEW PROCESS AND CRITERIA
3.1. Review Process

All proposals received will be reviewed and evaluated by an evaluation committee of qualified individuals as selected by NJSL. This committee will evaluate and make recommendations to NJSL regarding the selection of proposals that are submitted in response to this RFQ that meet the requirements of this document and the needs of the NJSL and New Jersey's library community.

3.2. Criteria

The following criteria will be used to judge quotation proposals.

1) Quality and Suitability of Product and Services Offered

   a) Bidder's organizational qualifications and experience

The State Library will consider the bidder's demonstrated ability to meet all terms of the RFQ, including client satisfaction with similar projects, as evidenced by bidder's references, longevity and financial ability to undertake the project. Bidders must not be suspended or debarred as described in the RFQ addendum.

Proposals will be evaluated in terms of the competence of professional personnel who will be assigned to the contract by the bidder. The qualifications of bidder personnel will be measured by the extent of education and experience relevant to the project proposal, such as experience providing training or experience in working with database, formats and products.

b) Technical requirements

c) Usage

d) Content

The extent to which the proposed database product for the subject areas identified in 1.1 of the RFQ satisfies the needs of and can easily be accessed by the user groups delineated in this document and meet the following requirements listed below:

- Relevance and quality of databases for a broad range of topics and reading levels
- Proportion of resources available as graphical and full-text
- Timeliness of database updates
- Timeliness of content and a delineation of the extent of embargoed material contained in each database
e) Delivery

Proposals submitted in response to this RFQ will be evaluated in terms of the extent to which such proposals adequately demonstrate the bidder's ability to provide, at a minimum:

- User-friendly search engine and user interface
- Sufficient indexing and browsing in a user-friendly environment
- Compatibility with a wide range of infrastructure environments and platforms
- Capabilities and restrictions regarding download, email, RSS and print
- Capacity to handle projected demand of simultaneous users
- Reliable electronic access
- Effective user authentication without user configurations/modifications
- Preservation of user privacy
- An attribution depicted on the bidder's database search interface that clearly states funding for this program was made possible by the New Jersey State Library and, if appropriate, by the Institute of Museum and Library Services
- Additional Features (specify as appropriate)

f.) Fee structure/cost

Cost will not be the sole criterion by which the Evaluation committee and the State Library will make final determinations regarding the acceptance of bidder quotations submitted in response to this RFQ. However, it should be noted that cost considerations will be a significant factor in such determinations.

There should be no extra cost associated with an updated interface during the course of the contract.

The licensing fee for the databases should be a fixed cost for all three years of the contract. If this is not the case the bidder must explain any expected increases.
2) Support

Proposals will also be evaluated in terms of the level and quality of support provided to the library staff (except as noted) including:

- Quality of training and documentation (format: in-person, webinar, or online tutorial) and frequency of training sessions and customizable documentation for both library staff and customers
- Level of technical and customer support offered
- Time frame during which technical support is available
- Demonstrated willingness and ability to work with libraries on technical and customer support problems
- Availability of useful management reports that give individual institutional and aggregate data that includes the number of sessions, the number of searches, and the number of items viewed and downloaded on a monthly and an annual basis
- Customized promotional materials for libraries and the general public

SECTION 4. – SPECIAL TERMS AND CONDITIONS:

The New Jersey State Library's special terms and conditions regarding existing contracts with bidders and the user group as well as the requirement for a trial period prior to the award of potential contracts are listed as follows:

1. Existing contracts with user group members

Each database bidder must agree to a provision that will grant prorated credits or refunds to libraries that may already have existing contracts with such bidders for overlapping contracts for identical products if such bidder is granted a contract under this RFQ.

2. Trial Period

Each database bidder must provide product access to selected users (not to exceed 30) during the New Jersey State Library's trial period at no cost to the State or to the selected users for the length of the trial access period (expected trial access period 4/15/19-4/29/19).

SECTION 5. – BIDDER REQUIREMENTS/RESPONSIBILITY:

The bidder agrees to the following:

a. To implement the database access contract within thirty days of contract date, or no later than July 1, 2019. Bidders that already have existing statewide contracts with the State Library for the provision of general database services for the same
databases or titles and subsets of databases, if awarded under this RFQ process, must provide access to the user groups as delineated in this document by July 1, 2019 to ensure there is no disruption in service. If the State Library selects a bidder’s submitted quotation and such bidder does not currently have an existing contract with the State Library for this product, then such bidder may request an extension in writing prior to the signing of contracts to NJSLS to provide such services at a later date, not to exceed 30 days from July 1, 2019. However, the new bidder must agree to extend such service for a commensurate time after the close of contract date or reduce the cost of the contracted service to the State Library for the amount of time such bidder is unable to provide access as delineated in this contract.

b. To provide database access as defined in Section 2 Term and Scope of Quotation Proposals.

c. To review all requirements and forms included in the RFQ Addendum-New Jersey State Library and submit all required forms with proposal submission. Failure to submit signed RFQ attachments will cause bidder submission to be disqualified.

SECTION 6 – PRE-QUOTATION PROCESS

In lieu of a pre-Quotation conference, the NJSLS will accept questions and/or comments in writing, received either by mail, facsimile or e-mail regarding this RFQ as follows:

Questions must reference the identifying RFQ title and be addressed to the New Jersey State Library, Attn: Kathleen Moeller-Peiffer; faxed to Kathleen Moeller-Peiffer at 609-278-2650, or e-mailed to Kathleen Moeller-Peiffer at kmoellerpeiffer@njstatelib.org. The deadline for submitting questions is February 25, 2019 at 5:00pm EST. All questions and/or comments will be addressed in writing and responses mailed, faxed or e-mailed to prospective bidders on or about March 4, 2019. A summary of all questions and answers will also be sent to all prospective bidders. Please provide company name, address, phone number, fax number, e-mail address and contact person when submitting questions.

SECTION 7– COST INFORMATION:

Bidder must give cost quotations for the user groups defined in Section 2 for each database individually by product name and for databases as a multi-database package. Bidders must present both the list price and the discounted price for each database, individually, by product, and for the selected subsets of databases as a package to the State Library. Please see attached quotation on bid sheet on page 46. The bidder is solely responsible for any costs not specifically included in this proposal for any product, personnel, licenses, software or service necessary to implement the scope of the work depicted in this Request for Quotation. The State Library is
expecting flat fee licenses regardless of the volume of use. Pricing should be quoted as both bundled and unbundled.

SECTION 8 – BIDDER QUOTATION SUBMITTAL REQUIREMENTS:

Each bidder shall submit responses to NJSL for all of the following information in the order listed below. Identify your responses by Section 8 and the corresponding letter as listed below.

Bidders are required to provide the following:

a) A cover letter accompanying the RFQ stating that the company has formally submitted a quotation to the New Jersey State Library.
b) A technical proposal that addresses each itemized product description being quoted.
c) Cost quotations for the user group defined in Section 2.3 for each database individually and for selected subsets of databases as a package.
d) A sample licensing agreement/contract.
e) Duration, terms, and conditions for trial subscription period.
f) Full contact information for the bidder’s project manager for the proposed project submitted in response to this RFQ. Please include title or position, resume, telephone number and e-mail address.
g) A web link to an alphabetical list of all journal and newspaper titles including years of full text coverage and total coverage for each database and for selected subsets of databases to be included as a package.
h) A list price and discount price for each of the elements cited in Section 8 (c) above.
i) Three references from current statewide or multi-regional customers.
j) Bidder personnel qualifications associated with the bidder’s proposed project submitted in response to this RFQ, including resumes
k) All forms included in RFQ Addendum.

An authorized official for each prospective bidder must sign the quotation. The quotation must also provide the name, title, address and telephone number of individuals with authority to legally bind the company and for those who may be contacted to clarify the information contained in the quotation. Only signed quotations from an authorized individual are eligible for review and consideration. In addition the prospective bidder must certify that its company or its affiliates are not suspended or debarred.

After receiving and reviewing the submittals, but prior to completing the evaluation of the quotations, bidders may be asked to provide clarification regarding their submission. The New Jersey State Library reserves the right to reject any or all proposals or to award in whole or in part, if deemed to be in the best interest of NJSL to do so. NJSL, through the authority vested in the State Librarian, shall award purchase orders and/or contracts to the bidder or bidders that best meet the specifications as described herein.
SECTION 9 – RFQ SCHEDULE AND INSTRUCTIONS FOR BIDDER QUOTATIONS

9.1 – RFQ PROCESS SCHEDULE

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<td>Release of RFQ</td>
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<tr>
<td>Questions Due at the State Library</td>
<td>February 25, 2019 by 5 pm</td>
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<tr>
<td>Responses to questions posted/distributed</td>
<td>March 4, 2019 by 5 pm</td>
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<td>Proposals Due</td>
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<td>Review of Submitted Proposals-Database Trials</td>
<td>April 15, 2019-May 3, 2019</td>
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<tr>
<td>Anticipated Announcement of Award</td>
<td>May 15, 2019</td>
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<td>Anticipated Effective Date of Contracts</td>
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9.2 – SUBMISSION BIDDER REQUIREMENTS FOR THE QUOTATION

a) Three copies of the bidder’s proposal must be received in writing in a paper submission by 5:00 P.M. on April 1, 2019 in a sealed envelope that is clearly marked on the outside of the envelope with the title of the RFQ project to the New Jersey State Library, ATTN: Sheri Shafer, Chief Financial Officer, 185 West State Street, Trenton, New Jersey, 08625. In addition, please send an electronic copy no later than the following day that is identical to the paper quotation submission to ssshafer@njstatelib.org in order to expedite the State Library’s quotation review process. Written quotations not received by the aforementioned time specified and by a carrier or by mail will not be evaluated. Telephone, telefacsimile or telegraph quotation proposals or electronic copies submitted without the written, paper submission of the bidder’s quotation sent by carrier or by mail will not be accepted.

b) Mailing Address for Bidder proposed quotations submitted in response to this RFQ

1) Bidder Quotations that are delivered by carrier (UPS, FED EX, etc.) to the New Jersey State Library must be addressed:

   New Jersey State Library
   Sheri Shafer, CFO
   185 West State Street
   Trenton, NJ 08608
2) Quotations that are sent by regular United States Post Office mail other than by a carrier listed above must be mailed to the New Jersey State Library at the following address:

New Jersey State Library
Sheri Shafer CFO
P.O. Box 520
Trenton, NJ 08625-0520

9.3 Use of Bidder Quotations

Please be aware that bidder quotations submitted in response to this Request for Quotation shall become part of the formal contract between the New Jersey State Library (NJSL) and the bidder if selected by the NJSL.

9.4 New Jersey State Library rights regarding the acceptance of quotations submitted by bidders in response to this RFQ

The New Jersey State Library reserves the right to waive any informalities in or to accept or reject any/or all bids, as may be deemed in its best interest. Bidders are required to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

9.5 Negotiation and Best and Final Offer (BAFO)

Following the opening of bid proposals, the State Library may, pursuant to N.J.S.A. 52:34-12(f), negotiate one or more of the following contractual issues: the technical services offered, the terms and conditions and/or the price of a proposed contract award with any bidder, and/or solicit a Best and Final Offer (BAFO) from one or more bidders.

Initially, the Evaluation Committee will conduct a review of all the bids and select bidders to contact to negotiate and/or conduct a BAFO based on its evaluation and determination of the bid proposals that best satisfy the evaluation criteria and RFQ requirements, and that are most advantageous to the State Library, price and other factors considered. The Committee may not contact all bidders to negotiate and/or to submit a BAFO.

In response to the State Library’s request to negotiate, bidders must continue to satisfy all mandatory RFQ requirements but may improve upon their original technical proposal in any revised technical proposal. However, any revised technical proposal that does not continue to satisfy all mandatory requirements will be rejected as non-responsive and the original technical proposal will be used for any further evaluation purposes in accordance with the following procedure.

In response to the State Library’s request for a BAFO, bidders may submit a revised price proposal that is equal to or lower in price than their original submission, but must continue to satisfy all mandatory requirements. Any revised price proposal that is
higher in price than the original will be rejected as non-responsive and the original bid will be used for any further evaluation purposes.

After receipt of the results of the negotiation and/or the BAFO(s), the Evaluation Committee will complete its evaluation and recommend to the State Librarian for award that responsible bidder(s) whose bid proposal, conforming to this RFQ, is most advantageous to the State Library, price and other factors considered.

All contacts, records of initial evaluations, any correspondence with bidders related to any request for negotiation or BAFO, any revised technical and/or price proposals, the Evaluation Committee Report and the Award Recommendation, will remain confidential until the announcement of the award.

9.6 Quotation Evaluation and Award Process

Quotations shall be consistently evaluated and scored based upon criteria previously mentioned as well as:

- Demonstrated competence;
- Experience in performance of comparable engagements;
- Reasonableness of cost;
- Expertise and availability of key personnel;
- Conformance with the terms of this RFQ.

Quotations shall be kept confidential.

The evaluation committee may contact the references provided in response to the Section identified as Experience and Business References (Section 10.1.4); contact any bidder to clarify any response; contact any current users of a bidder’s services; solicit information from any available source concerning any aspect of a Quotation; and seek and review any other information deemed pertinent to the evaluation process. The evaluation committee shall not be obligated to accept the lowest priced Quotation, but shall make an award in the best interests of NJSL. Each bidder must include in its Quotation a complete disclosure of any alleged significant prior or ongoing contract failures, contract breaches, any civil or criminal litigation or investigations pending which involves the bidder or in which the bidder has been judged guilty or liable. Failure to comply with the terms of this provision may disqualify any Quotation. The State Library reserves the right to reject any Quotation based upon the bidder’s prior history with the State Library or with any other party, which documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures.

Clarification discussions may, at the State Library’s sole option, be conducted with bidders who submit Quotations determined to be acceptable and competitive. Bidders
shall be accorded fair and equal treatment with respect to any opportunity for discussion and/or written revisions of Quotations. Such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from Quotations submitted by competing bidders.

Any award is contingent upon the successful negotiation of final contract terms and upon approval of the Board of Trustees of Thomas Edison State University, when required. Negotiations shall be confidential and not subject to disclosure to competing bidders unless and until an agreement is reached.

10. PERFORMANCE AND CONTRACT SPECIFICATIONS

The State Library is looking to award contracts to organizations qualified to supply the content and perform the duties as enumerated in this RFQ. The requirements that are mandatory in order for the bidder to be considered are prefaced with language such as "the bidder shall", "should" or "will". Other aspects that are desired or optional, but are not required, are cited as "desirable" or "optional", respectively. Third party bidders, when responding to this RFQ must certify that the host is in compliance with all required specifications and that the third party bidder is assured of their continuance.

10.1 Bidder's Organizational Qualifications and Experience

10.1.1 Organizational Qualifications

The bidder shall describe their organizational qualifications to perform the duties enumerated in the RFQ, and provide a brief company history including a profile of the bidder's operation and number of years the bidder has been in business. The bidder shall also provide a statement regarding their qualifications and organizational capabilities including the following:

- An organizational chart,
- Forthcoming significant changes in the bidder's ownership, management or corporate structure,
- A detailed description of the bidder's resources and experience relevant to the RFQ performance requirements,
- A statement on the experience of the staff and the total number of employees that are involved in sales, technical support and management,
- A list of the key personnel of the business and key personnel assigned to meet the state's needs under the RFQ contract and resumes of all key personnel, and
- The location of the offices from which the work will be managed.
10.1.2 Financial Stability

The bidder shall provide a certified and audited financial statement for the most recent fiscal year available.

10.1.3 Value-Added Reseller/Third Party Provider

Value-added resellers or third party providers are required to include a statement from the publisher confirming that the bidder is authorized to resell the content and will be furnished with ample product by the publisher to fulfill the bidder's contract with the State. The bidder shall also confirm their commitment to maintain the proper level of trained staff to sell and support the publisher's products as required by the publisher. For each renewal period, the bidder shall provide the State with a statement of their continuing authorization as a value-added reseller or third party provider.

If the bidder creates a custom product comprised of resources specifically tailored to meet the scope of this RFQ, a statement from the publisher(s) confirming that the bidder is authorized to resell the publication(s) to fulfill the bidder's contract with the State will be required for each contract period renewal.

10.1.4 Experience and Business References

The bidder shall have demonstrated experience delivering resources to libraries and consortia via the World Wide Web in the form of statewide licensing for statewide or large consortium projects involving multi-type libraries. The bidder shall describe such experience and will provide contact information for at least three projects of similar scale for reference purposes. If any State agency is an existing customer, it must be identified and the bidder must provide them as a reference.

10.2. Technical Requirements

The State Library recognizes that certain technical elements may not be applicable to all of the types of electronic online content being sought under this RFQ. If a bidder believes that any of the requirements enumerated throughout this section do not apply to their products offered in their responses please state "does not apply" and elaborate further as necessary.

10.2.1 Browsers

The bidder shall provide a search interface that supports browsers and browser versions currently in use by the majority of web users (e.g., Internet Explorer, Firefox, Safari, Chrome, and Opera). The platform shall adhere to World Wide Web Consortium (W3C) recommendations and other standards of interoperability. The bidder shall describe:

- Browsers and versions supported,
• Their browser compatibility testing strategy, including when they decide to add or drop a browser from active support,
• How their platform development strategy either enhances content using newer browser capabilities or degrades presentation for older browsers,
• Their minimum and recommended screen resolutions (e.g., 1024 x 768) for their user interface,
• Their use of plug-ins or applications; the bidder shall limit their use of browser plug-ins or applications to those that are either free online or provided by the bidder at no additional charge, and
• How their system handles browsers where JavaScript is not enabled.
• Their responsive design features for use of their product on mobile devices

10.2.2 Internet Connectivity

The bidder will use all reasonable efforts to maintain sufficient Internet connection bandwidth to provide authorized users with prompt access to the products offered. In responding to this RFQ, the bidder shall describe their strategies for maintaining sufficient bandwidth. The bidder shall have alternate Internet access provision in place in case the primary connection becomes unavailable. The bidder should describe their:

• Amount of Internet access bandwidth available,
• Proximity to Tier-1 carrier Internet Service Providers,
• Alternate Internet access should the primary Internet service become unavailable, and
• Whether multiple data center facilities have been established, and provide their locations.

The bidder shall provide current Internet connectivity statistics, such as peak bandwidth usage, network latency (<160ms) or packet loss (<0.6%) over the course of a 24 hour period and over a full week, illustrating how heavily the bidder's Internet capacity is stressed by normal use.

10.2.3 System Availability

The bidder shall provide direct access over the World Wide Web or via mobile app, 24/7, 365 days a year. It is mandatory that the system be available no less than 99.7% of scheduled online hours, excluding scheduled downtime. The bidder shall not schedule regular downtime for system upgrades or maintenance during normal library business hours (i.e., between 8 am and 10 pm Eastern Time any day of the week). The bidder shall:

• Notify the State Library of all known instances of system unavailability for periods of one hour or greater during scheduled online hours,
• Provide data on system availability during the most recent 12 months, including the frequency and duration of scheduled downtimes,
• Describe their method for notifying the State Library and users prior to scheduled
downtime, including the lead time for notification, and
• Describe how licensee will be compensated if the bidder fails to meet the above
requirements.

10.2.4 Response Time

The bidder shall have sufficient server capacity to provide authorized users with prompt
access to the products offered. The bidder shall describe:

• Their concurrent user capacity,
• The methodology that they use in determining actual or perceived typical client
response time for all types of content delivered by their web servers,
• Any formal stress of load testing practices on their systems and as part of new
software releases, and
• The existence and functioning of any on-screen progress indicators provided
while searches are conducted or files downloaded.

10.2.5 Mobile Computing Devices

The bidder shall offer and describe their support for mobile computing devices such as
smart phones and tablets. If such support includes an alternate “mobile” web interface,
indicate which devices and/or mobile browsers are supported, and whether access from
these devices is automatically redirected to the appropriate interface. If support includes
mobile “apps”, specify which apps and/or operating systems are supported. The bidder
shall limit their use of mobile apps to those that are either free online or provided by the
bidder at no additional charge. The bidder shall describe if APIs or other interoperability
services are provided to allow integration of their mobile app with library apps produced
by libraries, integrated library system vendors and/or commercial library apps.

10.2.6 Accessibility

The Accessibility Guidelines Working Group recommends that sites adopt WCAG 2.1 as
their new conformance target, so we are requesting this level of accommodation for
statewide databases. For more information, see https://www.w3.org/TR/WCAG21/#!new-
features-in-wcag-2-1.

The interface should support assistive software or devices (large print interfaces, voice-
activated input, alternative keyboard or pointer interfaces).

The bidder’s products shall conform to the Rehabilitation Act as amended in Section
1194.22 paragraphs a through p.
The bidder shall describe testing they carried out for their platforms with people with disabilities.

10.2.7 Product Hosting and Attribution

The products will be hosted by the bidder.

The bidder shall describe how they can configure the welcome or initial search screen to clearly identify the licensing entities and library affiliation of the authorized user. The bidder shall also describe any additional mechanisms that return the users back to a local library or default homepage.

10.2.8 Authentication and Authorization

The bidder shall provide direct access to library users and residents while in New Jersey without the State Library needing to report or keep track of individual library authentication requirements. Libraries that do provide their own means of authentication will be responsible for reporting such information directly to the bidder. For all other libraries, authentication and authorization (i.e., determining whether a particular connection to the data resource is from an eligible entity or user) shall be done via geolocation regardless of whether the user is coming from an in-library or a remote computer, whenever possible. The following subsections describe our detailed authentication requirements for various situations.

10.2.8.1 Geolocation: User Authentication

Any user of a computer, based on its IP address, that is found to be within New Jersey, will automatically be authorized to use content that is licensed statewide.

If the IP address is from a mobile device, satellite, or dialup services, where the physical location of the user cannot be determined with confidence, the user must enter a New Jersey library card number.

The bidder shall list and describe their mechanism(s) for in-library authentication. The bidder shall describe how they will administer ongoing changes to IP addresses during the course of the contract when reported by participating libraries.

If the bidder offers to provide its own geolocation services for the use of NJ state residents, the bidder shall describe how it might allow NJ State Library servers to query the bidder geolocation database.

10.2.8.2 Library Card Number User Authentication via the Jersey Clicks portal

When IP geolocation authentication fails, the NJ State Library portal will ask the user for a New Jersey library card number, or check to see whether the user chose to have their
browser remember their library card number via a cookie. The bidder must accept the NJ State Library's assertions that the library card number has been adequately verified, and allow the user access to the statewide licensed content. The bidder shall indicate their compliance with this requirement.

10.2.8.3 NJ State Library's Authentication Server

For each product licensed statewide, the bidder shall set up mechanisms to accept authorized users from the State Library Information Center's current authentication server.

10.2.8.4 Library-Managed User Authentication

Libraries that provide their own means of in-library and remote user authentication, such as EZProxy, Shibboleth or other systems, will be responsible for providing such information directly to the bidder. The bidder shall describe their experience making resources available to such customers and how they provide updates to these customers when changes in bidder server/configuration are made. The bidder shall provide a selected list of such customers.

In addition, some libraries may prefer to register and maintain their IP addresses with the bidder for in-library use. The bidder shall acknowledge and describe how it will support such libraries to ensure successful authentication and authorization.

10.2.8.5 Bidder Supported "Other User" Authentication Mechanisms

The bidder shall list and describe all current mechanisms and products it supports for authentication and provide examples of library or consortia customers with whom various authentication methods have been successfully deployed. The bidder shall describe how they can distinguish connections from particular libraries while using these alternate means of authentication.

10.2.9 Discovery and Resource Sharing – NISO Standards Compliance

10.2.9.1 Metasearch, Z39.50, SRU/SRW and Content Aggregators

The bidder's software shall support the ANSI/NISO Z39.50 Bibliographic Search and Retrieval Standard for third party federated searching. The bidder shall describe their:

- Z39.50 capabilities, including Z39.50 version, record formats, query types, attribute types, level of conformance and profiles to which the bidder's server adheres (e.g., Bath Profile 2.0 or Z Texas Profile Functional Area E: Database Citation Record Search and Retrieval),
- Protocols that their product supports, including Z39.50 SRU and SRW, CQL (Common Query Language) and Open Search, and
- Experience providing content via federated search and discovery search tools and metadata harvesting tools such as Serial Solutions 360 Search,
Muse Global Virtual Content Aggregation, Ex Libris MetaLib and Primo, Ebsco Discovery Service and OCLC’s WorldCat Local.

- Persistent linking: Licensor will comply with the most current version of the Open URL standard and will provide a mechanism for persistent links to content.

10.2.9.2 Linking from Library Catalogs

The system must accommodate links from member library OPACs with MARC 856/ASCII records.

10.2.9.3 Open URL Linking Standard

The bidder shall support the OpenURL framework for context-sensitive services, allowing the transfer of metadata from an information resource through a digital object identifier or structured citation information to a link resolver. The bidder shall describe their level of compliance with OpenURL 0.1 and/or 1.0, and which community profile(s) are supported. The bidder shall provide OpenURL linking from the bidder's products to a member library's own link resolver.

The bidder shall be able to resolve OpenURL-formatted requests for records held in the bidder's own system. If not, the bidder must be able to provide a persistent URL containing a unique identifier for the article or record. This unique identifier must be presented to metasearch engines, such as a Z39.50 or Open Search, enabling the user to move from the discovery layer to the record.

The bidder shall provide examples of
- OpenURLs that would successfully, uniquely identify content in their products,
- Open URL-formatted outbound links to citations from within their native interface record display, and
- A sample of the error message displayed when an OpenURL query fails to locate a record on the bidder’s system, or when the OpenURL is malformed.

The bidder shall describe how authentication mechanisms constrain OpenURL linking services.

10.2.10 Metadata/Full-Text Content Exposure to the Open Web

The bidder shall describe if and how it exposes record metadata and/or full-text to Internet search portals such as Google, Google Scholar, Bing or Yahoo. The bidder shall describe the mechanism, frequency of updates and any standards and protocols that are supported, including OAI-PMH. The bidder shall describe any licensing restrictions or company policies that prevent the exposure of article metadata or content.
to the web. The bidder shall provide examples showing where their content has been indexed by public search portals, and how authentication mechanisms are tied to full record access on the bidder’s system.

10.2.11 Account and System Configurability at the Local Level

The bidder shall have online customer profiles that the State Library, as well as individual library staff can edit as necessary, in addition to the bidder. The system should operate in such a way that a library’s staff is only permitted to access and alter their own institution’s profile and cannot mistakenly alter another institution’s data, while State Library staff can access headquarters and local library information and data.

10.2.11.1 Library Account Information

The bidder shall describe the individual library account information maintained in their system, such as an administrative module, including the type of data maintained for each library.

10.2.11.2. Customized Library Settings and Links

The bidder shall permit the State Library and individual libraries (if they choose) to modify their account settings to meet their needs, such as the order of products displayed, choice of default search screen and default search, local links (e.g., back-to-library OPAC, local holdings and other full text resources, and document delivery system) and email addresses for statistical reports. The institution shall also have the option to contact the bidder for this type of support should they so choose. It is also preferable that an individual library can choose to include locally licensed content from the bidder accessible under the institution’s statewide URL access point.

The bidder shall describe their system’s options for access to and manipulation of customized library settings and links.

10.2.12 Usage Statistics

The bidder’s system shall be capable of producing usage statistics to the State Library and individual libraries and networks. These statistics shall be in conformance with the most current International Coalition of Library Consortia’s (ICOLC) Revised Guidelines for Statistical Measures of Usage of Web-Based Information Resources and current version of the COUNTER Code of Practice for Journals and Databases. The bidder shall describe their commitment to complying with the ICOLC Guidelines and Project COUNTER Code. The bidder shall also describe their familiarity and support of the Standardized Usage Statistics Harvesting Initiative (Sushi) Protocol, NISO Z39.93 that is designed to work with Project Counter and other types of usage reports.
The usage reports shall:

- Be in a machine-readable format (ASCII, CSV, XML and HTML) as well as PDF,
- Automatically include relevant metadata such as report title, time period covered and entity related to the statistics in the body of the report and/or in the text of the email message that accompanies the report,
- Be available as an email attachment or embedded in an email that can easily be imported into a standard spreadsheet application, and
- Include at a minimum: for periodical, encyclopedia, e-reference, newspaper, genealogy products: sessions/logins, searches, total connect time, length of time per login, retrievals per format (citation/abstract, full-text), usage per database and title as appropriate (e-books, journal titles) and turnaways; for language learning products: usage per language selected including sessions, number of registered users and length of sessions; for homework help products: usage per academic subject and grade level, including sessions, number of registered users and length of sessions.

The bidder shall describe their ability to include additional fields that further identify the institution.

Usage should be able to be reported collectively and for each individual product. It is required that statistics be able to be gathered for the state as a whole, as well as by individual library, type of library and potentially other segments provided by the bidder. Monthly statistics should be automatically sent via email to the email addresses supplied by the State Library. The system should be capable of storing multiple email addresses per institution for this purpose. Usage statistics shall be able to be generated for up to the previous three calendar years at a minimum.

The bidder shall also provide a cumulative report to the State Library that covers the current fiscal year (July 1-June 30). This report may be compiled and provided bi-monthly.

In addition, the State Library shall be given the capability to enter the bidder’s statistics system to request customized usage statistics on demand. The usage reporting module shall be intuitive and offer clear and easy to follow instructions. Such requests should be capable of on-screen generation at the time of the request or by email within 48 hours.

Data gathering by an individual library shall not infringe upon the privacy and integrity of other New Jersey Library Network member libraries’ data.

The bidder shall describe their usage reporting system and provide examples of the various statistical reports available. Where a bidder allows the user to search multiple products in one query, the bidder shall describe how such searches are counted, including how the system tracks usage of the stand-alone product as well as part of the larger aggregated product. For instance, if the bidder licenses products X, Y and Z and has them searchable individually as well as combined, can the system report the usage
of the X content in the combined product separate from the usage of the X product alone? The bidder shall also describe their ability to offer the State Library statistical reporting for statewide licensed products only, separating out statistics for their products that a library may license individually but access through their library’s portal. If more than one product or software platform is proposed with unique reporting features, respond to this question for each proposed product or software platform.

Additionally, the bidder shall describe how their usage data may be imported into third party data collection services such as Scholarly Stats and OneLog, or Electronic Resource Management system software from integrated library system and federated search system bidders, such as Innovative Interfaces and Serials Solutions.

10.3 Use

10.3.1 Authorized Users

All New Jersey residents are considered authorized users. Authorized users from K-12 schools, medical, hospital and academic institutions include currently enrolled students, faculty, staff and visiting scholars. Any New Jersey Library Network library with Internet access is eligible to provide in-library access to the statewide licensed electronic resources obtained under this contract for all walk-in users. Additionally, all New Jersey computer consortia, the State Library and State Library staff and customers are considered authorized users.

10.3.2 Authorized Points of Use

Authorized users shall be able to access the system from any computer in New Jersey, or a computer outside New Jersey via a current public library card from a New Jersey Library Network member library.

10.3.3 Unlimited Simultaneous Access

Unlimited simultaneous access for authorized users of the products is mandatory.

10.3.4 Copyright/Fair Use/Interlibrary Loan (ILL)

If a bidder believes that this section does not apply to their products offered in response to this RFQ please state “does not apply” and further elaborate as necessary.

Licensee may fulfill other libraries’ requests to provide reasonable amounts of licensed materials through ILL arrangements. Depending upon the lending library’s ILL practice
or policy, the request may come from within or outside the state of New Jersey.Copies
provided will be in compliance with Section 108 of the Copyright Act of the United
States and with guidelines developed by the National Commission on New
Technological uses of Copyrighted Works (CONTU), available in U.S. Copyright Office
Circular 21. Licensee and authorized users may make all use of the licensed materials if
consistent with the Fair Use provisions of the United States and international law.
Nothing in this agreement is intended to limit in any way the licensee's or any
authorized user's rights under the Fair Use provisions of United States or international
law to use the licensed materials.

The licensed materials may be used for purposes of research, education or other non-
commercial use as follows, in compliance with U.S. and international copyright law and
guidelines:

- Display. Licensee and authorized users shall have the right to electronically
display the licensed materials.
- Digitally copy. Licensee and authorized users may download and digitally copy a
reasonable portion of the licensed materials.
- Print copy. Licensee and authorized users may print a reasonable portion of the
licensed materials.
- Email copy: Licensee and authorized users may email a reasonable portion of
licensed materials.
- Recover copying costs. Licensee may charge a fee to cover costs of copying or
printing portions of licensed materials for authorized users.
- Course packs. Licensee and authorized users may use a reasonable portion of
the licensed materials in the preparation of course packs or other educational
materials for the use of authorized users. Each item shall carry appropriate
acknowledgement of the source and content will be deleted by the New Jersey
Library Network member library when the course is completed.
- Electronic reserve. Licensee and authorized users may use a reasonable portion
of the licensed materials for use in connection with specific courses of instruction
offered by licensee and/or its parent institution. Each item shall carry appropriate
acknowledgement of the source and the content will be deleted by the library
when the course is complete.
- Electronic links. Licensee may provide electronic links to the licensed materials
from licensee's web page(s) and is encouraged to do so in ways that will
increase the usefulness of the licensed materials to authorized users. Licensor
staff will assist licensee upon request in creating such links effectively. Licensee
may make changes in the appearance of such links and/or in statements
accompanying such links as reasonably requested by licensor.
- Databases. If the licensed materials are a database, compilation or collection of
information, authorized users shall be permitted to extract or use information
contained in the product for educational, scientific or research purposes,
including extraction and manipulation of information for the purpose of illustration,
explanation, example, comment, criticism, teaching, research or analysis.
The bidder shall provide a statement regarding their company's policy with regard to ILL, copyright and fair use, specifically addressing users from public, academic, school and corporate libraries. Describe any constraints on viewing, downloading and/or printing for non-commercial use by authorized users other than normal copyright considerations. The bidder shall also state whether costs for products include all copyright payments for full text to copyright holders.

10.3.5 Archiving and Perpetual Access

If a bidder believes that this section does not apply to their products offered in their responses please state “does not apply” and further elaborate as necessary.

It is preferable that the bidder shall have formulated plans and policies (including pricing) to accommodate perpetual access in multiple formats (e.g., PDF, HTML, SGML, XML) herein defined as continuing access to material previously subscribed to after termination of the license, or such other event that causes the bidder to no longer offer the product. The bidder shall describe such plans and policies, as well as their present and future plans regarding reasonable steps by authorized users to archive content for back-up purposes for appropriate databases.

10.3.6 Privacy Policy

The bidder shall have a privacy policy that guarantees the confidentiality of individual users, including that no user data is used or sold without the user's permission. The bidder's privacy policy shall not conflict with New Jersey's Confidentiality of Library Records Law (NJSA 18A:73-43.1) or ICOLC Privacy Guidelines for Electronic Resources Bidders (July 2002) available at (http://icolc.net/statement/privacy-guidelines-electronic-resources-vendors). A link to the bidder's privacy policy shall appear in a standard location on every page of the bidder's site. The bidder shall state their privacy policy and where users may find this policy.

10.4 Content Scope and Functionality

The agency is seeking online products that provide the broadest array of predominantly full-text general, K-12, scholarly (undergraduate and graduate), small business, job-seeker, language learning, genealogy, homework help and general consumer information, including multi-media files, that the budget will allow. Content of prime interest includes general periodicals, scholarly journals (academic level), newspapers, individual or collections of reference books, biographies, language learning software, genealogy materials, homework help, job seeker resources and resources for small businesses, consumer health, nursing and allied health, literature, literary criticism and readers' advisory, science and technology. For newspapers, the State Library is specifically looking for the Star-Ledger as the New Jersey newspaper of record. The
following six sub-sections describe the specific scope and functionality of the required areas by type of content and subjects desired: newspapers and general periodical/news/e-reference publication (Section 10.4.1), language learning software (Section 10.4.2), genealogy (Section 10.4.3), homework help (Section 10.4.4), career resources (Section 10.4.5), small business (Section 10.4.6) and civic engagement (Section 10.4.7).

Bidders may propose products for any or all sections.

10.4.1 Newspapers and general periodicals/scholarly journals/news/e-reference

The State Library is looking for primarily aggregator products, rather than individual online publications except as noted below, that include general and scholarly periodicals and journals, newspapers and ready reference e-books or encyclopedias. Subjects desired include general interest covering all fields, biographical information, consumer health, nursing and allied health, literature, literary criticism and readers' advisory and science and technology appropriate for the general public and scholarly library audiences. The bidder should name the product(s) that is (are) being made available under the terms of the proposal and describe the broad subject categories covered by the product(s) as well as the target audience. While an unlimited simultaneous access for all authorized users is preferred for all products offered, the State Library will enthrall proposals describing appropriate products for certain user segments if the result is a targeted and more robust package.

If a bidder believes that this section does not apply to their products offered, please indicate “does not apply” and proceed to Section 10.4.2.

10.4.1.1 Coverage

The product(s) will have a substantial percentage of full-text documents and multimedia files. It is preferred that the product(s) offered over the most recent ten years of published literature at a minimum, as appropriate. It is preferred, but not required, that an image format such as ASCII-text + image, PDF or full-image, and HTML encoded text be available.

For the newspapers, specifically the Star-Ledger, the State Library is looking for up to 25 years of current coverage. For proposals that address this newspaper specifically, we will consider either stand-alone products or content included in aggregated products, but not limited topical coverage such as business news. This RFP is not for historic archival backfiles for newspapers.

The bidder should describe the years of coverage for each of the products bid, as well as ongoing efforts to retrospectively add older content as appropriate. The bidder should describe the percentage of full-text content, as well as percentage of scholarly
content. List types of materials covered such as book reviews, letters to the editors, etc., as well as content that may not be covered, such as advertisements, corrections, tables, obituaries, death notices, syndicated columnists, etc. The bidder shall describe:

- How often the content is updated,
- Lag time between the publication dates of materials covered and the time in which they are represented in the files,
- Percentage of new/removed full-text titles added in the previous 12 month period, and
- Policies and procedures for claiming late or missed issues, and notifying licensee or users when appropriate

For individual e-reference books, the bidder shall list each title, publication date and edition, noting if this is the latest edition available. It is preferable that the bidder substitute newer editions as they become available to the bidder. For e-reference book collections, the bidder should provide the average age of titles in the collection by subject groupings.

10.4.1.2 Title Lists

Users should be able to view a complete listing of titles in licensed products on the bidder’s website. At a minimum, the information should include the title, ISSN or ISBN, full text and citation start and end dates or publication dates and edition and number of embargo days. The bidder shall describe the types of content information they make available from their website, including the formats in which this information is available (HTML, PDF, Word, Excel) and state whether or not the titles of publications listed are presented in full and/or abbreviated form. If abbreviations are used, list the sources of the abbreviations and describe the mechanism included to look up the full form of the title. The bidder shall describe whether UTF-8 or ISO 8859-1 character encoding is utilized.

The bidder shall provide data regarding the content for each offering, including, but not limited to the number and names of titles covered in the following categories: full text, citation only, ceased publications and embargoes. Rather than submit numerous pages of print, the bidder shall supply a URL that links to the content listing for each offering. The printed RFQ shall include the following:

- Complete listing of embargoed titles with embargoed periods,
- Bidder’s policies for publicizing the content and restrictions such as embargo periods,
- Numerical data regarding the number of titles by subject and category as appropriate (i.e., academic, magazines, reference, news, multimedia, etc.),
- Number of titles unique to each product and package offered (to determine overlap with other bidder offerings), and
List of the top 200 publications retrieved most often from the databases bid, as appropriate for type of product.

10.4.1.3 Functionality

10.4.1.3.1 Data Elements and Indexing Features

The bidder shall list the data elements included for each type of record display and indicate which of these elements are indexed. For the indexed elements, indicate any sources for a controlled vocabulary, such as LC Subject Headings, MESH, etc.

10.4.1.3.2 Searching

The bidder shall describe the searching features relevant to the products offered, addressing at a minimum: searching levels, location of search boxes, searchable fields of a record, location and displays of search strategy and history, use of truncation or wild cards, Boolean, phrase, adjacency and proximity searching, natural language recognition, searching suggestions, stop lists, searching by media type, date or subject, faceted searching or search limiters, searching within results, revision or reuse of previous searches within a product or imported into another product, and searching across multiple product files.

10.4.1.3.3 Search Results Displays and Management

The system should be capable of displaying search results in a logical order (e.g., chronologically, most recent first; by relevance, type of material, etc.) and present the user with individual record retrieval options including citation/abstract, full-text, full-text with images and tables for on-screen display, and the ability to print, download or email single or multiple records with a choice of formats. The system should offer “read/speaker technology” to allow the user to have the record “read” to the user.

The bidder shall describe:

- Results displays options (brief, full, by format, publication, etc.),
- Results displays for multiple hits,
- Individual record display,
- Default results settings,
- User customization of displays,
• User management of search results: bookmark, email, or save search strategy and/or results using persistent URLs, creation of citations and bibliographies, etc., and
• Any additional search and display capabilities that they may make available including clustering, concept maps and other visualization tools.

10.4.1.3.4 RSS Feeds and Social Networking Sites

The bidder shall describe their system capabilities for pushing results to users through social networking sites and RSS feeds or syndication services, including how the authentication/authorization mechanisms constrain such services, both in the library and at remote sites (e.g., RSS aggregator web sites such as Bloglines).

10.4.1.3.5 Translation Capabilities

It is preferable that the bidder’s products have the capability to translate individual records and the search interface into languages other than English. The bidder shall describe what translation capabilities and languages are available in their product offerings currently and planned for the future, including if read-speaker technology is implemented for languages other than English.

10.4.1.3.6. Citations and Bibliographies

It is required that the bidder’s product be capable of formatting references into recognized standard citation styles (e.g., APA, MLA) as well as exporting citation information to third party bibliographic management software (e.g., EndNote, Procite, RefWorks). The bidder shall describe their capabilities in this area including the editions of the standard citation styles they support.

10.4.1.3.7 Individual User Account Information

The bidder shall describe whether, once authenticated and authorized, individual user accounts/profiles can be created on the bidder’s web site. If the individual user creates an individual profile, the bidder must provide the current privacy policy related to that account. The bidder shall also describe any functionality that the creation of such a profile permits. The bidder shall describe how that user profile is associated with a specific library.

10.4.1.4. Help, User Documentation, Curriculum Support, Other Support Materials and Interface Changes

The product should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up-to-date user training materials for all of the products licensed and make these materials freely available on their website. Toll free telephone support should be available Monday-Friday from 9:00AM – 5 PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater
than 48 hours from receipt of inquiry. The bidder should describe their policies regarding product support, help, and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the past twelve months, the time of the year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for these changes. The bidder shall also describe any changes to user interfaces that are planned by July 1, 2019. The bidder shall describe K-12 curriculum support offered for their products, lesson plans, classroom activities, experiments, links to educational websites or teacher training.

10.4.1.5 Other Bidder Website Features for Bidders and their Constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and NJ library staff will find beneficial to encourage product training and usage to the public and in schools and maximize the use of the products bid under this RFQ. Examples include features such as title lists, technical support, searching support, automatic creation of search widgets, product links or web pages, marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.2 Language Learning Web-Based Product

The State Library is seeking to license an online language learning system that will teach conversation and grammar skills for a wide variety of languages for language learners of all ages and proficiencies. The bidder should name the product(s) that is (are) being made available under the terms of the proposal and describe the languages covered by the product(s) as well as the target audience. While unlimited simultaneous access for all authorized users is preferred for all products offered, the State Library will entertain proposals describing appropriate products for certain user segments if the result is a targeted, yet more robust package.

If a bidder believes that this section does not apply to their products offered, please indicate “does not apply” and proceed to Section 10.4.3.

10.4.2.1 Coverage

The State Library prefers that the products offered include the following languages and ESL versions at a minimum: Spanish (European and Latin American), Portuguese (Portuguese and Brazilian), French, Chinese (Mandarin and Cantonese), Italian, French Creole, Russian, Greek, Polish, German, Korean, Arabic, Hindi, Tagalog, Gujarati and English. The bidder shall describe their product coverage.

10.4.2.2. Functionality

The products should offer functionality for learning basic practical conversational and reading skills that incorporate vocabulary, pronunciation and grammar, as well as
culture to the extent that it influences language. The products should accommodate multiple learning styles through instructional videos, visual activities, listening exercises, speaking practice, games and stories and real conversations with native speakers. Course activities should contain rich graphics, audio, video, music and an intuitive way to track progress. Functions should include record and playback speech practice, stop, skip and replay controls, ability to control speed of pronunciation heard, voice comparison (learner vs. instructor), ability to move around modules or lessons, get immediate feedback and context sensitive assistance. The product should be flexible enough for the user to tailor the level to fit their goals (e.g., business or personal travel). The bidder shall describe the functionality of their product including how users access the product and set up individual accounts.

10.4.2.3 Help, User Documentation, Other Support Materials and Interface Changes

The products should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up-to-date user training materials for all of the products licensed and make these materials freely available on their website. Toll free telephone support should be available Monday-Friday from 9:00AM-5:00PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater than 48 hours from receipt of inquiry. Chat assistance may also be provided. The bidder should describe their policies regarding product support, help and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the last twelve months, the time of year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for the changes. The bidder shall also describe any changes to user interfaces that are planned by July 1, 2019. The bidder shall describe any additional materials that libraries may download at no charge from their website to promote product usage to the public and in schools, or for assistance with creating webpages for libraries.

10.4.2.4 Other Bidder Website Features for Bidders and their Constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and library staff will find beneficial to encourage product training and maximize the use of the products bid under this RFQ. Examples include features such as blogs, social networking tools, RSS feeds, technical support, instruction support, automatic creation of search widgets, product links or web pages as appropriate, marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.3 Genealogy

The State Library is looking for a genealogy product that preferably covers North America, the U.K., Europe, Australia and US border crossings. The bidder should name the product(s) that is (are) being made available under the terms of the proposal and
describe the target audience. While unlimited simultaneous access for all authorized
users is preferred for all products offered, the State Library will entertain proposals
describing appropriate products for certain user segments if the result is a targeted, yet
more robust package.

If a bidder believes that this section does not apply to their products offered, please
indicate "does not apply" and proceed to Section 10.4.4.

10.4.3.1. Coverage

The product(s) will have a substantial percentage of full-text documents and multimedia
files. It is desirable that the products include collections such as the Social Security
Death Index (SSDI), Periodical Source Index (PERSI), U.S. Federal Census (1790-
1940) including birth, marriage and death records, US Serial Set, obituaries, genealogy
and local history books, Revolutionary War Records, Freedman’s Bank Records, US
historical newspapers and other important resources desired by consumer genealogists.
It is preferred, but not required, that an image format such as ASCII-text+image, PDF,
or full-image and HTML encoded text be available.

The bidder should describe the years of coverage for each of the products bid, as well
as ongoing efforts to retrospectively add content as appropriate. The bidder shall describe:

- Various types of content included with percentage for each type,
- Editorial authority
- How often content is updated
- Lag time between the publication dates of materials covered and the time in
  which they are represented in the files, and
- Percentage of new/removed content added in the previous 12 month period, and
- Policies and procedures for claiming of late or missed issues, and notifying
  licensee or users when appropriate.

For individual e-reference books, the bidder shall list each title, publication date and
edition, noting if this is the latest edition available. It is preferable that the bidder
substitute newer editions as they become available to the bidder.

10.4.3.2 Title Lists

Users should be able to view a complete listing of titles in licensed products on the
bidder’s website as relevant to the products offered. At a minimum, the information
should include the title, ISBN or ISSN, full text, citation, start and end dates and edition
as appropriate. The bidder shall describe the types of content information they make
available from their website, including the formats in which this information is available
(HTML, PDF, Word).
The bidder shall provide data regarding content for each offering, including, but not limited to, the number and names of titles covered in the following categories as appropriate: full text, citation only, ceased publications and embargoes. Rather than submit numerous pages of print, the bidder shall supply a URL that links to the content listing for each offering. The printed RFQ proposal shall include the following:

- Bidder’s policies for publicizing the content and restrictions,
- Numerical data regarding the number of titles, and
- Number of titles unique to each product and package offered (to determine overlap with other bidder offerings)

10.4.3.3 Functionality

10.4.3.3.1 Data Elements and Indexing Features

The bidder shall list the data elements included for each record and indicate which of these elements are indexed. For the indexed elements, indicate any sources for a controlled vocabulary, such as LC Subject Headings.

10.4.3.3.2 Searching

The bidder shall describe the searching features relevant to the products offered, addressing at a minimum: searching levels, location of search boxes, searchable fields of a record, location and displays of search strategy and history, use of truncation or wild cards, Boolean, phrase, adjacency and proximity searching, natural language recognition, searching suggestions, stop lists, searching by media type, date or subject, faceted searching or search limiters, searching within results, revision or reuse of previous searches within a product or imported into another product, and searching across multiple product files.

10.4.3.3.3 Search Results Displays and Management

The system should be capable of displaying search results in a logical order (e.g., chronologically, most recent first; by relevance, type of material, region or state, etc.) and present the user with individual record retrieval options including citation/abstract, full-text, full-text with images and tables for on-screen display and the ability to print, download or email single or multiple records with a choice of formats. It is desirable that the product offer “read/speaker” technology to allow the user to have the record “read” to them.

The bidder should describe:

- Results displays options (full, brief, by format, etc.)
• Results displays for multiple hits,
• Individual record display,
• Default results settings,
• User customization of displays,
• User management of search results: bookmark, email, or save search strategy
  and/or results using persistent URLs, creation of citations and bibliographies, etc.
  and
• Any additional search and display capabilities that they may make available
  including clustering, concept maps and other visualization tools.

10.4.3.3.4. RSS Feeds and Social Networking Sites

The bidder shall describe their system capabilities for pushing results to users through
social networking sites and RSS feeds or syndication services, including how the
authentication/authorization mechanisms constrain such services, both in the library and
remote sites (e.g., RSS aggregator web sites such as Bloglines).

10.4.3.3.5 Family Trees

The ability to create family trees is a feature of some online genealogy products. The
bidder shall describe whether this is a feature of the products offered in response to this
RFQ.

10.4.3.3.6. Translation Capabilities

It is preferable that the bidder’s products have the capability to translate individual
records and the search interface into languages other than English. The bidder shall
describe what translation capabilities and languages are available in their product
offerings currently and planned for the future, including if read-speaker technology is
implemented for languages other than English.

10.4.3.3.7. Citations and Bibliographies

It is preferable that the bidder’s product be capable of formatting references into
recognized standard citation styles (e.g., APA, MLA) as well as exporting citation
information to third party bibliographic management software (e.g., EndNote, Procite
and Ref Works). The bidder shall describe their capabilities in this area including the
editions of the standard citation styles they support.

10.4.3.3.8 Individual User Account Information

The bidder shall describe whether, once authenticated and authorized, individual user
accounts/profiles can be created on the bidder’s web site. If the individual user creates
an individual profile, the bidder must provide the current privacy policy related to that
account. The bidder shall also describe any functionality that the creation of such a
profile permits. The bidder shall describe how that user profile is associated with a specific library.

10.4.3.4 Help, User Documentation, Other Support Materials and Interface Changes

The product should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up-to-date user training materials for all of the products licensed and make these materials freely available on their website. Toll free telephone support should be available Monday-Friday from 9:00AM-5:00PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater than 48 hours from receipt of inquiry. The bidder should describe their policies regarding product support, help and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the last 12 months, the time of the year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for the changes. The bidder shall also describe any changes to user interfaces that are planned by July 1, 2019. The bidder shall describe any additional materials that libraries may download at no charge from their website to promote product usage to the public and in schools, or for assistance with creating webpages for libraries. The bidder shall describe K-12 curriculum support offered for their products, lesson plans, classroom activities, experiments, links to educational websites or teacher training.

10.4.3.5 Other Bidder Website Features for Bidders and their Constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and library staff will find beneficial to encourage product training and maximize the use of the products bid under this RFQ. Examples include features such as title lists, technical support, searching support, automation creation of search widgets, product links or web pages as appropriate, and marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.4 Live Homework Help product

The State Library is seeking to license an online homework help tutoring system that may include a database of resources including academic resources, videos, career resume templates, career webinars and proprietary resources. The bidder should name the product being made available under the terms of the proposal and describe the languages covered by the product as well as the target audience. While unlimited simultaneous access for all authorized users is preferred for this product, the State Library will entertain proposals describing appropriate products for certain user segments if the result is a targeted, yet more robust package.

If a bidder believes that this section does not apply to their products offered, please indicate "does not apply" and proceed to Section 10.4.5.
10.4.4.1. Coverage

The bidder should have the ability to offer a custom combination of subjects. Service should be available minimally 361 days a year. Service must include individual settings for a more personalized experience for the user by having the option to mark favorite tutors and the option to store documents in a “student locker”. The service must also include an archive of previous sessions for user if user chooses to create a personal account. The archive should include a full transcript of the chat log, all white boards and links to any files, websites and other resources used during the session. Service must include a real time proofreading component where editing can be interactive and occur in real time within the document. The bidder should indicate what days and hours “real-time” services such a chat and proofreading are available.

10.4.4.2. Functionality

The products should offer functionality for learning basic academic subjects (math, social studies, science and language) for K-12 students by connecting to a remote online, real-time tutor. The service must permit only one student with one tutor in one classroom at a time. Tutors cannot work with more than one student at a time. Tutors should have a mentoring program. The bidder must have a proven track record of delivering high quality sessions based on customer ratings. The product should accommodate different learning styles through instructional videos, visual activities, listening exercises, games and real conversations with tutors. The bidder should indicate what days and hours the tutors are available. The product should be flexible enough for the user to tailor to fit their goals. The bidder shall describe the functionality of their product including how users access the product and set up individual accounts. The bidder must provide the ability to authenticate by geolocation.

10.4.4.3. Help, User Documentation, Other Support Materials and Interface Changes

The products should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up to date user training materials for all of the products licensed and make these materials freely available on their website. Toll free technical support should be available Monday-Friday from 9:00AM-5:00PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater than 48 hours from receipt of inquiry. Chat assistance may also be provided. The bidder should describe their policies regarding product support, help and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the last twelve months, the time of year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for the changes.
bidder shall also describe any changes to user interfaces that are planned by July 1, 2019. The bidder shall also describe any additional materials that libraries may download at no charge from their website to promote product usage to the public and in schools, or for assistance with creating webpages for libraries.

10.4.4.4 Other Bidder Website features for bidders and their constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and library staff will find beneficial to encourage product training and maximize the use of the products bid under this RFQ. Examples include blogs, social networking tools, RSS feeds, technical support, instruction support, automatic creation of search widgets, product links or web pages as appropriate, marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.5 Career Resources

The State Library is seeking to license workforce development and career resources that will complement the resources offered by the New Jersey Department of Labor and Workforce Development: https://careerconnections.nj.gov.

If the bidder believes that this section does not apply to their products offered, please indicate “does not apply” and proceed to Section 10.4.6.

10.4.5.1 Coverage

The database(s) should offer the option of limited access without logging into the resource; must be comprehensive, simple to use and user friendly; must complement the New Jersey Department of Labor and Workforce Development’s New Jersey Career Connections web portal; must have basic job readiness and workforce skills training; must have a computer skills tutorial; must have a career assessment tool; must have career overviews (descriptions of career fields/industry, expectations, training needed, etc.); must have a matching skills assessment (finding jobs based upon skills rather than job descriptions); and that can be customized to be New Jersey specific.

The target audiences are: transitioning veterans, recent college graduates, current students, long term unemployed, under employed and trades professionals.

10.4.5.2 Help, User Documentation, Other Support Materials and Interface Changes
The products should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up to date user training materials for all of the products licensed and make these materials freely available on their website. Toll free technical support should be available Monday-Friday from 9:00AM-5:00PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater than 48 hours from receipt of inquiry. Chat assistance may also be provided. The bidder should describe their policies regarding product support, help and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the last twelve months, the time of year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for the changes. The bidder shall also describe any changes to user interfaces that are planned by July 1, 2019. The bidder shall also describe any additional materials that libraries may download at no charge from their website to promote product usage to the public and in schools, or for assistance with creating web pages for libraries.

10.4.5.3 Other Bidder Website features for bidders and their constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and library staff will find beneficial to encourage product training and maximize the use of the products bid under this RFQ. Examples include blogs, social networking tools, RSS feeds, technical support, instruction support, automatic creation of search widgets, product links or web pages as appropriate, marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.5.4 Additional Features Required

The bidder must be able to offer Train the Trainer series, allowing librarians to offer classes on the resource; must have the option of offering training to the general public at a library; and must have marketing materials customized for individual libraries at no cost to the library.

10.4.6 Resources for Small Businesses

The State Library is seeking to license small business resources.

If the bidder believes that this section does not apply to their products offered, please indicate “does not apply” and proceed to Section 10.5.

10.4.6.1 Coverage
The database(s) should offer executive profiles and contact information; in-depth United States and international company information; industry research and high-quality market data; competitive intelligence, market and trends analysis in a range of industries, mergers and acquisitions research; current directory information on United States and international companies; consumer population, socio-economic and lifestyle data; comprehensive financial information; small business management resources including periodicals and small business plans; and interactive demographic reports and information.

The target audience is primarily small to medium-sized New Jersey businesses and entrepreneurs.

10.4.6.2 Help, User Documentation, Other Support Materials and Interface Changes

The products should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up to date user training materials for all of the products licensed and make these materials freely available on their website. Toll free technical support should be available Monday-Friday from 9:00AM-5:00PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater than 48 hours from receipt of inquiry. Chat assistance may also be provided. The bidder should describe their policies regarding product support, help and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the last twelve months, the time of year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for the changes. The bidder shall also describe any changes to user interfaces that are planned by July 1, 2016. The bidder shall also describe any additional materials that libraries may download at no charge from their website to promote product usage to the public and in schools, or for assistance with creating webpages for libraries.

10.4.6.3 Other Bidder Website features for bidders and their constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and library staff will find beneficial to encourage product training and maximize the use of the products bid under this RFQ. Examples include blogs, social networking tools, RSS feeds, technical support, instruction support, automatic creation of search widgets, product links or web pages as appropriate, marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.6.4 Additional Features Required

New Jersey State Library-General Statewide Databases
The bidder must be able to offer Train the Trainer series, allowing librarians to offer classes on the resource; must have the option of offering training to the general public at a library; and must have marketing materials customized for individual libraries at no cost to the library.

10.4.7. Resources for Civic Engagement

The State Library is seeking to license civic engagement resources.

If the bidder believes that this section does not apply to their products offered, please indicate "does not apply" and proceed to Section 10.5.

10.4.7.1 Coverage

The database should provide data analytics and business intelligence capabilities for state libraries, public libraries, and public library cooperative organizations helping to create actionable intelligence for state libraries and local libraries.

The database should help create community-centered and customer-focused libraries that are data-driven. Libraries should be able to learn who they are serving and not serving, and have the knowledge they need to create service strategies that grow the library's customer base, focus collection development, increase checkouts, program attendance, and summer reading participation, align staff skills with community needs, site new and make the best use of existing facilities, market and communicate with customers and noncustomers alike, and evolve partnerships that make a difference.

The database should combine any type of library usage data with powerful market segmentation, demographic, consumer spending, and other data to align library services with community needs.

10.4.7.2 Help, User Documentation, Other Support Materials and Interface Changes

The product should offer easy to use and understand online help, as well as an online tutorial. It is mandatory that the bidder maintain up to date user training materials for all of the products licensed and make these materials freely available on their website. Toll free technical support should be available Monday-Friday from 9:00AM-5:00PM EST at a minimum. Email and web forms should be available 24/7 with a turnaround no greater than 48 hours from receipt of inquiry. Chat assistance may also be provided. The bidder should describe their policies regarding product support, help and user documentation, as well as provide the URL for reviewers to link to the materials and bidder contact forms. The bidder shall describe any notable changes to the user interface over the last twelve months, the time of year these changes took place and how the bidder and libraries that use the products were made aware of and prepared for the changes. The bidder shall also describe any changes to user interfaces that are planned by July 1.
2016. The bidder shall also describe any additional materials that libraries may download at no charge from their website to promote product usage to the public and in schools, or for assistance with creating webpages for libraries.

10.4.7.3 Other Bidder Website features for bidders and their constituents

The bidder shall describe pertinent features incorporated into their corporate website that the State Library and library staff will find beneficial to encourage product training and maximize the use of the products bid under this RFQ. Examples include blogs, social networking tools, RSS feeds, technical support, instruction support, automatic creation of search widgets, product links or web pages as appropriate, marketing materials, as well as an interactive administrative module that governs library profiles and usage reporting.

10.4.7.4 Additional features required

The bidder must be able to offer Train the Trainer series, allowing librarians to offer classes on the resource; must have the option of offering training to the general public at a library; and must have marketing materials customized for individual libraries at no cost to the library.

10.5 Deliverables

10.5.1 Staffing

The bidder will have adequate technical staff to implement the contract within the required time frame and troubleshoot system access problems from individual State Library or library staff on an ongoing basis. This will include the ability to field connectivity questions from many different types of libraries and situations throughout the project, but especially throughout the start-up period. See also Support Section 3.2.

The bidder will name a single individual to serve as project manager and main contact with the State Library for the implementation of the contract. This manager will coordinate the bidder's support team and insure that the timeline for implementation is met, expediting resolution of any issues that arise.
10.5.2 Technical Support

The bidder will set up access for new New Jersey Library Network member libraries upon notification via a mechanism agreed upon by the State Library and the bidder within 10 working days of receipt of the necessary data from the State Library. Reported changes to IP addresses will be acted upon by the bidder within two business days.

The bidder shall describe how they will administer the addition of new member libraries on an ongoing basis, as well as how they will administer changes in Internet access as reported by the State Library and libraries handling their own authentication. The bidder shall also describe how they will administer changes to other aspects of an institution's profile, such as library URL changes, email addresses, etc. The bidder shall append a copy of any required forms for this process and the URL for an online version of any forms.

10.5.3 New Jersey Library Network Library Staff Training

The bidder agrees to conduct no fewer than 18 two hour (minimum) overview (in person lecture style) training sessions for library staff throughout New Jersey during the contract period. The bidder will also have staff available for user group/update sessions conducted virtually throughout the life of the contract. The bidder shall also describe their capabilities for offering training both live and virtually. The bidder shall also describe any special training they offer designed to help librarians and teachers integrate their products into school curriculum.

10.5.4 Promotion and Marketing

Promotion of statewide licensed electronic resources to end-users presents an on-going challenge for libraries and consortia. It is desirable that the bidder take an active role in partnering with the State Library in the promotion and marketing of its products directly to the residents of New Jersey (Section 10.3.1) The bidder shall describe and provide examples of advertising that they can offer to drive potential users to the licensed products, such as web-based, broadcast and social media and direct mail, in addition to the availability of brochures, bookmarks, flyers, etc. that can be customized by libraries for distribution to their customers.

10.5.5 MARC records

MARC records for journals and books included in the licensed content shall be available at no additional charge to the State Library or New Jersey Library Network member libraries. It is preferable that the records contain Library of Congress subject headings.
and the subscription-specific URL in the 856 field. The bidder shall describe their policy regarding such records as well as the mechanism for supplying them upon request.

When applicable to the licensed materials, Licensor shall provide full OCLC-quality batched sets of MARC records at no additional cost by the date of the execution of this license agreement. Updates to existing records and new title records, matching the schedule of release and delivery of new publications, will be provided on a mutually agreed-upon schedule and in a format that renders them useful to the licensee and members.

The bidder shall describe download options such as MARC-8 or UTF-8 encoding, USMARC, MARC21, MARCXML and XML record syntax. The bidder shall describe the process for downloading individual and batch records. The bidder shall describe whether their MARC records are RDA compliant.

10.5.6 System Changes/Enhancements

It is mandatory that the bidder notify the State Library at least 30 days in advance of any minor system changes that affect the use or display and incorporate such changes into user documentation no later than 60 days after the changes have been implemented. In the event of a major system overhaul (new search platform for example) it is mandatory that the bidder notify the State Library at least 365 days in advance of the expected launch date. Furthermore, the bidder shall not implement any major platform changes for the statewide contract without the State Library testing its features and agreeing in writing no less than 15 days prior to release that the reconfigured system is ready to be "turned on". If the bidder is not sure what constitutes a major system overhaul, it shall present such changes to the State Library for clarification. It is mandatory that any changes resulting from a major overhaul be supported by new user documentation at least 60 days prior to the release of the system. Any notification to the State Library or users regarding changes to content and/or embargoes should be confirmed with the publisher prior to such notification to avoid confusion among users. If publisher withdrawals result in a reduction of overall full-text product content by more than 15%, the bidder shall negotiate with the State Library for the addition of related products or a pro-rated refund or credit for the remaining unexpired portion of the subscription period.

The bidder shall describe their customer notification policies and mechanisms regarding system and content changes.

10.5.7 Data for Electronic Resource Management (ERM)

A number of New Jersey libraries (especially academic) use ERM software to manage information about electronic licenses and content that they have access to. Although the contract resulting from this RFQ is between the bidder and the State Library, the State Library would like to help member libraries that do employ such software to easily
populate certain data about the contract into such systems. The bidder shall describe how they might make available selected elements of the license information (i.e., provisions relating to ILL, course packs and electronic reserves, authorized users, perpetual access, etc.) for importation into an ERM.

10.5.8 Bidder’s Standard License Agreement

The bidder shall provide a copy of their current standard license agreement.

10.6 Transition Issues, Performance Dates and Deadlines

10.6.1 Transition Issues

The bidder shall describe plans to transition user from the current statewide offerings to the products provided as the result of the awarding of this RFQ (if applicable).

10.6.2 Library Setup, Authentication and Testing

The State Library will provide the successful bidder(s) with a complete list of its member libraries by May 30, 2019, in order to configure, test, and bring up access for libraries and networks of various types during the month of June 2019. The list will also include the State Library and LibraryLinkNJ and contain the following information for each entry: name of Institution, name of library (when different from name of institution), city, unique State Library member library identifier, type of library (e.g., public, school, academic, special, etc.), URL for back-to link (default will be to www.jerseyclicks.org), and up to three email addresses for automatic receipt of monthly bidder statistics. The bidder shall provide the State Library with an Excel spreadsheet detailing client ID’s or other bidder assigned account codes associated with each library on the State Library master list. Updated lists may be requested throughout the contract by the licensee. Use of the unique State Library library identifier is mandatory. The bidders shall describe how they will set up initial authorization, detailing the types of information required from the licensee and their users and the lead time necessary for setup and testing of the library accounts/profiles.

10.6.3 New Jersey Library Network Member Libraries Connected by July 1, 2019

The bidder, given New Jersey Library Network Member Library lists described in Section 10.6.2 as of May 30, 2019 will ensure that full access is being provided to the products by July 1, 2019.

If the bidder has been provided with these lists by May 30, 2019 and is not able to provide full access by July 1, 2019, the bidder agrees to extend the contract by 30 days for each 24 hour period that the products are not available to start the contract, beginning, July 1, 2019. An extended delay may cause the State Library to suspend or terminate the contract.
10.6.4 Help Desk Training

The bidder will conduct a single training session in New Jersey for State Library staff between May 30 and June 30, 2019, prior to going live statewide on July 1, 2019. The session will include an overview of the products and how they work, what the products look like to the user, how to use the bidder administrative systems and support pages, how to locate, interpret and modify library profiles, how to read and request usage reports, requirements for setting up new member libraries, reporting changes for current member libraries, options for downloading MARC Records and setting up other linkages, and how to contact the bidder for content and technical support. The bidder shall describe the help desk training they will conduct.

10.7 Fee Structure/Duplicate Leases

10.7.1 Fee Structure

The bidder shall offer flat-fee pricing for unlimited simultaneous access to all content for all eligible libraries and remote users. The bidder shall describe their fee structure. In addition, the bidder may propose a more cost effective or “best value” alternative to satisfy the State Library’s performance needs, indicating how they will provide for the greatest volume of use while maintaining a quality service (i.e., per number of simultaneous users, for various kinds of populations, etc.). The bidder shall also describe any discounts for expedited payments by the State Library.

10.7.2 Duplicate Leases/Libraries with Existing Contracts

The bidder shall describe how they will accommodate libraries and the State Library with existing same bidder contracts for duplicate products. Examples of accommodation may include expansion of access points, the offering of alternative products, or pro-rated credits.

10.8 Evaluation

Bidders invited to participate in the trials must submit complete proposals by the deadline and have met the mandatory requirements as determined by the Statewide Database Advisory Committee.

The complete evaluation process includes a review of the bidders’ submitted proposals, and product testing through online trials. All proposals will be evaluated by a Statewide Database Advisory Committee comprised of staff from the State Library, the LSTA
Advisory Council, the Library Network Review Board, the statewide cooperative LibraryLinkNJ and other database experts from local libraries. This group will be convened to review the proposals and summary of trials, and advise State Library staff regarding ultimate bidder selection.

10.8.1 Product Trials

The product trials will run approximately from March 16-April 16, 2019 (exact dates will be finalized in February.) It will facilitate diverse participation by Database Advisory Committee members. It will also afford Committee members the opportunity to evaluate system functionality in an environment in which they are used to working on their own schedule. All Committee members will be encouraged to participate and provide feedback for each bidder’s offering. Results will be tabulated, with the results considered during the evaluation process.

The bidders shall describe how they will make their offerings available for the trial, providing the URL that Committee members will use.

The bidders shall also make available a trial URL that Committee members can access to preview the administrative portion of the bidder’s website, which they would use to order statistical reports and review individual member library profiles.

The State Library’s Statewide Database Advisory Committee Chair will advise committee members on how to access these trial accounts.

10.8.2 Selection of the Bidder

The Statewide Database Advisory Committee will make the final bidder recommendations. In preparing its final evaluation, the Committee will consider the bidder’s written proposals and results from the trials survey.

Each section of the written proposals will be scored as indicated below:

- Section 10.1 Bidder’s organizational qualifications and experience: 10%
- Section 10.2 Technical requirements: 10%
- Section 10.3 Use: 10%
- Section 10.4 Content scope and functionality: 30%
- Sections 10.5/10.6 Deliverables/Transition Issues: 10%
- Section 10.7 Fee structure/duplicate leases: 10%
- Section 3.2 (g) Cost: 20%

The State Library reserves the right to negotiate the total contract cost, the selection of products provided and licensing language with one or more bidders in order to obtain the best possible value for NJSL and its customers.

10.8.3 Ongoing Bidder Evaluation
The bidder's products and services will be evaluated on an ongoing basis by the State Library based on the bidder's fulfillment of contract specifications, with input from member libraries.

11.0 INSTRUCTIONS FOR SUBMISSIONS OF RESPONSES

11.1 Electronic files

The RFQ will be distributed electronically and in hard copy. It shall be the responsibility of every bidder to check for any addenda or modifications to this RFQ as posted on the State Library's web site. NJSCL accepts no liability and will provide no accommodation to bidders who fail to check for amended RFQs or submit inadequate or incorrect responses. Potential bidders are advised to check the "last change" field on the summary of RFQs for which they intend to submit a response to ensure that they have the most recent RFQ files.

11.2 Alteration of files

Bidders may not alter (manually or electronically) the RFQ language or any RFQ competent files. Modifications to the body of this RFQ, specifications, terms and conditions, or which change the intent of this RFQ are prohibited. Any unauthorized modifications may disqualify a response.

11.3 Responses

11.3.1 Delivery

Responses should be delivered in a large envelope clearly marked "RFQ 2019 Statewide Electronic Online Content" on the outside to the New Jersey State Library. Follow mailing directions in Section 9.2.b.

Responses may be mailed or hand-delivered, but must be received at the Business office by 5:00 pm, March 15, 2019 (see complete calendar in section 9)

11.3.2. Format and copies

Responses should be divided into parts, corresponding to the RFQ Sections, subsections as appropriate, and include the subsection numbering of the RFQ.

One original and two print copies of the complete response must be submitted. Print copies should be copied double-sided. An electronic version (word or PDF) must also be provided for the complete response, including Section 10.
11.3.3 Cost Proposal

The bidder shall provide written proposal cost information using the following forms, making additional copies as needed.
NEW JERSEY STATE LIBRARY
QUOTATION BID SHEET

Bidder Name: ________________________________

<table>
<thead>
<tr>
<th>Database Name</th>
<th>Retail Price Per Year</th>
<th>Discounted Price Per Year</th>
</tr>
</thead>
<tbody>
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<td>Standalone Database</td>
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<td>$XX</td>
</tr>
<tr>
<td>Bundled Databases: List individual databases*</td>
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<td></td>
</tr>
<tr>
<td>Database A</td>
<td>$XX</td>
<td>$XX</td>
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<tr>
<td>Database B</td>
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<tr>
<td>Database C</td>
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<tr>
<td>Total for Bundle A</td>
<td>$XX</td>
<td>$XX</td>
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<tr>
<td>Bundled Databases: List individual databases*</td>
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<tr>
<td>Database C</td>
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</tr>
<tr>
<td>Total for Bundle B</td>
<td>$XX</td>
<td>$XX</td>
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</tbody>
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*If applicable.

Signature

Name (Print)

Title (Print)

Phone Number

E-Mail Address

New Jersey State Library-General Statewide Databases
Appendix A
Current List of Statewide Databases offered to New Jersey Library Network Cardholders by the New Jersey State Library

<table>
<thead>
<tr>
<th>Title</th>
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<td>Academic Search Premier</td>
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<td>American Doctoral Dissertations, 1933-1955</td>
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<td>Business Source Elite</td>
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<td>European Views of the Americas, 1493-1750</td>
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<td>Image Collection</td>
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<td>Job and Career Accelerator</td>
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<td>Legal Information Reference Center</td>
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<td>Library, Information Science and Technology Abstracts</td>
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<td>Literary Reference Center</td>
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<td>MasterFILE Elite</td>
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<td>Regional Business News</td>
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<td>Small Business Resource Center</td>
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<td>Teacher Reference Center</td>
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New Jersey State Library
RFP/RFQ Standard Forms

The following documents are attached and made part of every advertised RFP/RFQ issued by the New Jersey State Library. Failure to submit any of the following documents may be cause for the bid submission to be rejected.

Standard Forms Table of Contents

1. New Jersey State Library Standard Terms and Conditions
2. Non-Collusion Affidavit
3. Conflicts of Interest
4. Business Registration Certificate
5. Information and Instructions for Completing the "Two-Year Vendor Certification and Disclosure of Political Contributions" Form and Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions
7. Instructions for Completing the Employee Information Report (AA302)
8. Employee Information Report Form AA302
9. Sample Certificate of Employee Information Report
10. Executive Order 34, Byrne, 1976
11. Executive Order 189, Kean, 1988
12. Executive Order 84, Florio, 1993
13. Executive Order 151, Corzine, 2009
14. Ownership Disclosure Form
NEW JERSEY STATE LIBRARY (NJSL) STANDARD/terms and CONDITIONS

I. The Contractor certifies that it understands and agrees that the following terms and conditions are incorporated into any contract entered into by or purchase made on behalf of New Jersey State Library.

II. “Contract” is defined as any written contract or purchase order issued by New Jersey State Library.

III. In the event that the terms and conditions within a Contractor’s proposal conflict with the standard terms and conditions of New Jersey State Library, the Library’s standard terms and conditions will govern.

IV. No Contractor doing business with New Jersey State Library shall be considered an employee of the Library. The status of all Contractors of the Library shall be that of an independent Contractor.

V. Contractors are notified by this statement that all standard terms and conditions will become part of any contract awarded or purchase order provided whether stated in part, in summary, or by reference, unless the Library issues a duly authorized and signed written directive specifically stating otherwise.

As an affiliate of the New Jersey State Library, all Library purchasing policies, including the standard terms and conditions, apply to all contracts and purchases made by Thomas Edison State University on behalf of the New Jersey State Library.

1. STATE LAW REQUIRING MANDATORY COMPLIANCE

1.1 CORPORATE AUTHORITY - It is required that all corporations be authorized to do business in the State of New Jersey. Corporations incorporated out of the State must file a Certificate of Authority with the Secretary of State, department of State, State House, Trenton, New Jersey. Refer to NJSA 14A:13-3.

1.2 BUSINESS REGISTRATION - All New Jersey and out of state corporations must obtain a Business Registration Certificate (BRC) from the Department of the Treasury, Division of Revenue prior to conducting business in the State of New Jersey. All Contractors must provide a valid and current BRC to the Library's Purchasing Department before doing business with the Library via contract or purchase order. All subcontractors of the contractor must provide the contractor with a current BRC. Contractors must forward the BRC's of subcontractors to the Library's purchasing department.

1.3 ANTI DISCRIMINATION - All parties to any contract with New Jersey State Library agree not to discriminate in employment and agree to abide by all anti-discrimination laws including those contained within NJSA 10:2-1 through 10:2-4 NJSA 10:5-1 et seq; and NJSA 10:5-31 through 10:5-38, and all rules and regulations issued thereunder.

1.4 PREVAILING WAGE ACT - The New Jersey Prevailing Wage Act PL 1963, Chapter 150 is hereby made a part of every contract entered into on behalf of New Jersey State Library except those contracts which are not within the scope of the Act. The Contractor hereby guarantees that neither the contractor nor any subcontractors who might be employed to perform the work covered by this proposal are listed or are on record in the Office of the Commissioner of the Department of Labor and Industry as one who has failed to pay prevailing wages in accordance with the provisions of this Act.

1.5 THE WORKER AND COMMUNITY RIGHT TO KNOW ACT - The provisions of NJSA 34:5A-1 et seq, require the labeling of all containers of hazardous substances. All goods offered for purchase to the Library must be labeled in compliance with the provisions of the Act and shall be deemed a term and condition of any Library purchasing agreement or contract.

1.6 COMPLIANCE WITH LAWS - All Contractors of the Library shall comply with all local, state, and federal laws, rules, and regulations applicable to any contracts or purchases and to the goods delivered and/or services provided under such.

1.7 COMPLIANCE WITH NEW JERSEY STATE LAW - All agreements between New Jersey State Library and outside Contractors shall be governed by the laws of the State of New Jersey. Any and all actions relating to the provisions of a contract or purchasing agreement shall be brought in the courts of New Jersey, and the judgment may be entered in the County Court of Mercer County, Trenton, New Jersey. New Jersey law shall apply to all issues regardless of any principles of conflict of law policies, statutes, or case law. All agreements shall be subject to the New Jersey Contractual Liability Act, NJSA 59:13-1 et seq. All agreements shall be subject to the New Jersey Tort Claims Act, NJSA 59:1-1 et seq.

1.8 OWNERSHIP DISCLOSURE - Contracts for any work, goods, or services cannot be issued to any firm unless prior to or at the time of bid submission the firm has disclosed the names and addresses of all its owners holding 10% or more of the firm's stock or interests. NJSA 52:25-24.2. This requirement applies to all contracts exceeding the current bid threshold, whether made through advertisement or bid waiver. Ownership disclosure is also required by NJSA 19:44A-20.13 et seq.

1.9 POLITICAL DISCLOSURE BY CONTRACTOR - If the contract is in excess of $17,500 the Contractor must complete and return "Pay to Play" certification and disclosure forms, which include the ownership disclosure form to the Library before a contract can be awarded. The Library must receive approval from the Chapter 51 Review Unit before entering into an agreement with said Contractor. NJSA 19:44A-20.13 et seq.

1.10 PUBLIC WORKS CONTRACTOR REGISTRATION ACT - The New Jersey Public Works Contractor Registration Act requires that all contractors, subcontractors and lower tier subcontractor[s] who engage in any contract for public work as defined in NJSA 34:11-56.26 be first registered with the New Jersey Department of Labor and Workforce Development. Any questions regarding the registration process should be directed to the New Jersey Division of Wage and Hour Compliance.

2. LIABILITIES

2.1 COPYRIGHT LIABILITY - The Contractor shall hold and save New Jersey State Library, Thomas Edison State University, the State of New Jersey, their respective officers, agents, servants and employees, harmless from liability of any nature or kind for or on account of the use of any copyrighted or uncopyrighted composition, secret
2.2 INDEMNIFICATION - The Contractor shall assume all risk of
and responsibility for, and agrees to indemnify, defend,
and save harmless New Jersey State Library, Thomas
Edison State University, the State of New Jersey and
respective employees, trustees, officers, volunteers, and
agents from and against any and all claims, demands,
suits, actions, recoveries, judgments, costs and expenses
(including reasonable attorney’s fees) in connection
therewith on account of the loss of life, property or injury
or damage to the person, body or property of any person
or persons whatsoever, which shall arise from or result
directly or indirectly from the work, materials, and/or
services supplied under any contract or agreement. This
indemnification obligation is not limited by, but is in
addition to the insurance obligations contained in
contracts or agreements.

2.3 INSURANCE - The Contractor shall secure and maintain in
force for the term of the contract liability insurance as
provided herein. The Contractor shall provide New Jersey
State Library with current certificates of insurance for all
coverage and renewals thereof which must contain the
provision that the insurance provided in the certificate
shall not be canceled for any reason except after thirty
days written notice to New Jersey State Library, Office
of the Treasurer. The insurance to be provided by the
Contractor shall be as follows:

a. Comprehensive General Liability policy as broad as the
standard coverage form currently in use in the State of
New Jersey which shall not be circumscribed by any
endorsements limiting the breadth of coverage. The
policy shall include an endorsement [broad form] for
contractual liability and products liability (completed
operations). Limits of liability shall not be less than
$1,000,000.00 per occurrence for bodily injury and
$1,000,000.00 per occurrence for property damage
liability.

b. Comprehensive General Automobile Liability insurance
covering owned, non-owned, and hired vehicle with
minimum limits of $1,000,000.00 combined single limits.

c. Worker’s Compensation Insurance applicable to the
laws of the State of New Jersey and Employers Liability
Insurance with Limits of not less than $1,000,000.00.

d. Upon request, the successful Contractor will provide
certificates of such insurance to New Jersey State
Library prior to the start of the contract and periodically
during the course of a multi-year contract.

3. TERMS GOVERNING ALL CONTRACTS (Unless otherwise
 specified in Bid Specifications)

3.1 CONTRACT PERIOD AND EXTENSION OPTION - If, in the
opinion of the Chief Financial Officer, it is in the best
interest of the Library to extend any contract entered into
as a result of any proposal for a period of all or any part of
a year, the Contractor will be so notified of the Treasurer’s
intent at least 30 days prior to the expiration date of the
existing contract. The Contractor shall have 15 calendar
days to respond to the Treasurer’s request to extend the
contract. If the Contractor agrees to the extension, all
terms and conditions of the original contract, including
price, will be applicable.

3.2 RIGHT TO PROTEST INTENT TO AWARD - Except in the case
of an emergency, bidders have the right to protest the
award of a contract as announced in the notice of intent
to award. Bidders will then have three business days
from the date of the notice to file a written protest with
the Library. The Library may shorten the deadline to
protest when it deems it is in the public interest to do so.

3.3 CONTRACT TERMINATION –

b. For Cause - Where the Contractor fails to perform or
comply with a contract, the Library may terminate the
contract upon 10 days notice to the Contractor, with an
opportunity to respond. Where a Contractor continues to
perform a contract poorly as demonstrated by
documented late delivery, poor performance of service,
short-shipping, etc., the Library may terminate the
contract upon 10 days’ notice to the Contractor. In the
event of contract termination due to Cause, the Library
may acquire the goods and/or services which are the
subject of the terminated contract from another source.
If the price paid is greater than the contract price, the
Library may deduct the difference in price from any
monies due the terminated Contractor of, if no monies are
due the terminated Contractor, the difference in
price shall be an obligation owed the Library by the
terminated Contractor.

3.4 PERFORMANCE GUARANTEE - The Contractor hereby
certifies that:

a. The equipment offered is standard, new equipment, and
is the manufacturer’s latest model in production, with
parts regularly used for the type of equipment offered,
that such parts are all in production and not likely to be
discontinued, and that no attachment or part has been
substituted or applied contrary to manufacturer’s
recommendations and standard practice.

b. All equipment supplied to the Library that is operated by
electrical current is UL listed where applicable.

c. All new machines are to be guaranteed as fully
operational for the period stated in the Contractor’s
proposal from time of written acceptance by the Library.
The Contractor will render prompt service without charge,
regardless of geographic location.

d. During the warranty period, the Contractor shall replace
immediately any material which is rejected for failure to
meet the requirements of the contract.
e. All services rendered to the Library shall be performed in strict and full accordance with the specifications stated in the contract.

3.5 DELIVERY GUARANTEE –

a. Deliveries shall be made at such time and in such quantities as ordered in strict accordance with conditions contained in the contract or proposal. The Contractor shall be responsible for the delivery of material in first class condition to the Library in accordance with good commercial practice.

b. Items delivered must be strictly in accordance with bid or contract specifications.

c. In the event delivery of goods or services are not made within the number of days stipulated or under the schedule defined in the specifications, the Library may obtain the materials or services for any other available source, the difference in price, if any, to be paid by the Contractor failing to meet his commitments.

d. Contractors are authorized to ship only those items and quantities that are covered by the contract. If a review or material received indicates that material other than that covered by the contract has been ordered and delivered, the Treasurer, or his/her Purchasing designee will take such steps as are necessary to have the material returned regardless of the time lapse between the date of delivery and discovery of the violation. Full credit will be required. Compliance with this requirement is the full responsibility of the Contractor. Violation of this clause may result in the removal of the offending Contractor’s name from the Library’s approved Contractor list.

e. Contractors shall acquaint themselves with conditions to be found at the Library and shall assume all responsibility for placing and installing the equipment in the locations required. All freight or other delivery charges shall be paid by the Contractor.

f. The Library will accept deliveries during normal business hours 9 am to 4 pm on normal business days, Monday through Friday.

g. All items must be delivered into and placed at a point within the Library buildings as directed by the Library. Based on space limitations, deliveries should be made utilizing no larger than a box truck. Lift gates are required as there is no dock for deliveries.

3.6 SUBCONTRACTING OR ASSIGNMENT – The contract may not be sub-contracted or assigned by the Contractor, in whole or in part, without the prior written consent of the Chief Financial Officer or his/her Purchasing designee. Such consent, if granted, shall not relieve the Contractor of any responsibilities under the contract. In the event the Contractor proposes to subcontract for the services to be performed under the terms of the contract award, the Contractor shall state so in the submitted bid or proposal and attach for approval a list of said subcontractors and an itemization of the products and/or services to be supplied by them. Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the Library.

3.7 LIBRARY’S RIGHT OF FINAL BID ACCEPTANCE – The Library reserves the right to reject any or all bids, or to award in whole or in part if deemed to be in the best interest of the Library to do so. The Library shall have authority to award orders or contracts to the Contractor(s) best meeting all specifications and conditions set forth.

3.8 LIBRARY’S RIGHT TO INSPECT CONTRACTOR’S FACILITIES – The Library reserves the right to inspect a Contractor’s establishment before making an award for purposes of ascertaining whether the Contractor has the necessary facilities for performing the contract.

3.9 MAINTENANCE OF RECORDS – The Contractor shall maintain records for products and services delivered against a contract for a period of three (3) years from the date of final payment. Such records shall be made available to the Library upon request.

4. TERMS RELATING TO PRICE

4.1 PRICE FLUCTUATIONS DURING CONTRACT – All prices quoted shall be firm and not subject to increase during the period of the contract. In the event of a manufacturer’s price decrease during the contract period, the Library shall receive the full benefit of such price reduction on any undelivered goods or services, and on any subsequent order placed during the contract period.

4.2 DELIVERY COSTS – Unless noted otherwise in the specification, all prices for items in bid or contract proposals are to be submitted F.O.B. destination. Proposals submitted other than F.O.B. destination may not be considered. Regardless of the method of quoting shipments, the Contractors shall assume all liability and responsibility for the delivery of the merchandise in good condition to the Library or designated purchaser. F.O.B. destination does not cover “spotting” but does include delivery on the receiving platform of the ordering agency at any destination in the Library unless otherwise specified. No additional charges will be allowed for any transportation costs resulting from partial shipments made at a Contractor’s convenience when a single shipment is ordered.

4.3 C.O.D. TERMS – Unless otherwise stated, C.O.D. terms are not acceptable as part of any proposal, and are cause for automatic rejection of a bid or proposal.

4.4 TAX CHARGES – New Jersey State Library is an instrumentality of the State of New Jersey and is exempt from the New Jersey sales and use taxes and Federal excise taxes. These taxes must not be included in the Contractor’s price quotations. The Library’s Federal Excise Tax Exemption number is V21.600092800.

4.5 PAYMENT TO CONTRACTORS – Upon receipt and acceptance of goods or services, payment for goods and/or services purchased by the Library will be made to the contractor following the receipt of an acceptable invoice from the contractor.

5. CASH DISCOUNTS – Cash discounts for periods of less than 15 days will not be considered as factors in the award of contracts for purposes of determining the Library’s compliance with any discount offered.
NEW JERSEY STATE LIBRARY (NJSL) STANDARD TERMS AND CONDITIONS

5.1 A discount period shall commence on the day the Library receives a properly executed Contractor invoice for products and services that have been duly accepted by the Library in accordance with the terms, conditions, and specifications of the contract or purchase order. If the invoice is received prior to delivery of the goods and services the discount period begins with the acceptance of the goods or services.

5.2 The date on the check or electronic payment issued by the Library in payment of that invoice shall be deemed the date of the Library response to that invoice.

6. CONFIDENTIAL INFORMATION

The Contractor will not, either directly or indirectly use or disclose any confidential or proprietary information including, without limitation, employee and student data, financial data, and information technology of the Library, for any purpose other than the performance of the specific contract services, unless the Contractor has obtained prior written consent of the Library, to the contrary. Contractor shall limit disclosure of confidential information to Contractor’s employees with a need to know the confidential information.

7. STANDARDS PROHIBITING CONFLICT OF INTEREST

The following prohibitions of contractor activities shall apply to all contracts or purchase agreements made with the Library, pursuant to Executive Order No. 189 (1988):

A) The Contractor shall not pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Library officer or employee or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13l, of any such Library officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such Library officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

B) The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Library officer or employee from the Contractor shall be reported in writing forthwith by the Contractor to the Attorney General and the State Ethics Commission.

C) The Contractor may not, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such Contractor to, any Library officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Library, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to the provision shall be reported in writing forthwith to the State Ethics Commission, which may grant a waiver of this restriction upon application of the Library officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality, or appearance of a conflict of interest.

D) No Contractor shall influence, or attempt to influence or cause to be influenced, any Contractor officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

E) No Contractor shall cause or influence, or attempt to cause or influence, any Library officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the vendor or any other person.

F) The provisions cited above in paragraph 6A, through 6E shall not be construed to prohibit a Library officer or employee from receiving gifts from or contracting with Contractors under the same terms and conditions as are offered or made available to members of the general public.

G) The Contractor agrees to abide by the Business Ethics Guide published by the New Jersey Department of Treasury.
NON-COLLUSION AFFIDAVIT

Project Title: ____________________________________________

STATE OF NEW JERSEY )
COUNTY OF )
 ) SS:

I, ________________________________ of the City of ____________________________

in the County of ________________________________ and the State of ________________________________
being of full age, being duly sworn according to law on my oath depose and say that:

I am (Title) ____________________________________________

of the firm of ____________________________________________

the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

________________________________________
Signature

Subscribed and sworn to ____________________________________________

before me this ______ day of ______, 20___.

Notary Public: ____________________________________________

My commission expires: ____________________________________________

NJSI RFP/RFQ Non-Collusion Affidavit Rev. 1/16
CONFLICTS OF INTEREST

The following prohibitions on vendor activities shall apply to all contracts or purchase agreements made with the State of New Jersey, pursuant to Executive Order No. 34 (1976) and Executive Order 189 (1988).

a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:130-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.

f. The provisions cited above in paragraph a through e shall not be construed to prohibit a State officer or employee or Special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph c.

I (we) certify that I (we) have read and understood the above regulations on Conflict of Interest:

Name of Firm: ____________________________

By: ____________________________

Title: ____________________________ Date: ____________

NJSR RFP/RFQ Conflicts of Interest Rev. 1/2016
Business Registration

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. (Reference: Public Law 2001 Chapter 134) Registration is free and is a one-time action – there are no fees to register. Registration is required to conduct business with a state college or university. Additional information regarding the registration process and the Business Registration Certificate (BRC) can be found at the following:

- To start a new business in NJ, a checklist is available at: http://www.state.nj.us/njbusiness/start/fastpath.shtml

- If you are an existing company and need a NJ Business Registration Certificate you can file one online or through the mail. Information is available at: http://www.state.nj.us/treasury/revenue/busregcert.htm

- Companies already registered in NJ can obtain their Business Registration Certificate Online at: https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp

Sample Business Registration Certificate

You have received this communication in reference to contract or purchase order activity or as part of the bidding process with the New Jersey State Library. Please include your BRC with your bid documents.
INFORMATION AND INSTRUCTIONS
For Completing the “Two-Year Vendor Certification and Disclosure of Political Contributions” Form

Background Information

On September 22, 2004, then-Governor James E. McGreevey issued E.O. 134, the purpose of which was to insulate the negotiation and award of State contracts from political contributions that posed a risk of improper influence, purchase of access or the appearance thereof. To this end, E.O. 134 prohibited State departments, agencies and authorities from entering into contracts exceeding $17,500 with individuals or entities that made certain political contributions. E.O. 134 was superseded by Public Law 2005, c. 51, signed into law on March 22, 2005 (“Chapter 51”).

On September 24, 2008, Governor Jon S. Corzine issued E.O. 117 which is designed to enhance New Jersey’s efforts to protect the integrity of procurement decisions and increase the public’s confidence in government. The Executive Order builds upon the provisions of Chapter 51.

Two-Year Certification Process

Upon approval by the State Chapter 51 Review Unit, the Certification and Disclosure of Political Contributions form is valid for a two (2) year period. Thus, if a vendor receives approval on January 1, 2014, the certification expiration date would be December 31, 2015. Any change in the vendor’s ownership status and/or political contributions during the two-year period will require the submission of new Chapter 51/Executive Order 117 forms to the State Review Unit. Please note that it is the vendor's responsibility to file new forms with the State should these changes occur.

State Agency Instructions: Prior to the awarding of a contract, the State Agency should first send an e-mail to CD134@treas.nj.gov to verify the certification status of the vendor. If the response is that the vendor is NOT within an approved two-year period, then forms must be obtained from the vendor and forwarded for review. If the response is that the vendor is within an approved two-year period, then the response so stating should be placed with the bid/contract documentation for the subject project.

Instructions for Completing the Form

NOTE: Please refer to pages 3 and 4 “USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117” for guidance when completing the form.

Part 1: BUSINESS ENTITY INFORMATION

Business Name – Enter the full legal name of the vendor, including trade name if applicable.

Address, City, State, Zip and Phone Number – Enter the vendor's street address, city, state, zip code and telephone number.

Vendor Email – Enter the vendor’s primary email address.

Vendor FEIN – Please enter the vendor’s Federal Employment Identification Number.

Business Type - Check the appropriate box that represents the vendor's type of business formation.

Listing of officers, shareholders, partners or members - Based on the box checked for the business type, provide the corresponding information. (A complete list must be provided.)
Part 2: DISCLOSURE OF CONTRIBUTIONS

Read the three types of political contributions that require disclosure and, if applicable, provide the recipient's information. The definition of "Business Entity/Vendor" and "Contribution" can be found on pages 3 and 4 of this form.

Name of Recipient - Enter the full legal name of the recipient.

Address of Recipient - Enter the recipient's street address.

Date of Contribution - Indicate the date the contribution was given.

Amount of Contribution - Enter the dollar amount of the contribution.

Type of Contribution - Select the type of contribution from the examples given.

Contributor's Name - Enter the full name of the contributor.

Relationship of the Contributor to the Vendor - Indicate the relationship of the contributor to the vendor. (e.g. officer or shareholder of the company, partner, member, parent company of the vendor, subsidiary of the vendor, etc.)

NOTE: If form is being completed electronically, click "Add a Contribution" to enter additional contributions. Otherwise, please attach additional pages as necessary.

Check the box under the recipient information if no reportable contributions have been solicited or made by the business entity. **This box must be checked if there are no contributions to report.**

Part 3: CERTIFICATION

Check Box A if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity.

(No additional Certification and Disclosure forms are required if BOX A is checked.)

Check Box B if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity with the exception of those individuals and/or entities that submit their own separate form. For example, the representative is not signing on behalf of the vice president of a corporation, but all others. The vice president completes a separate Certification and Disclosure form. (Additional Certification and Disclosure forms are required from those individuals and/or entities that the representative is not signing on behalf of and are included with the business entity's submittal.)

Check Box C if the representative completing the Certification and Disclosure form is doing so on behalf of the business entity only. (Additional Certification and Disclosure forms are required from all individuals and/or entities whose contributions are attributable to the business entity and must be included with the business entity submittal.)

Check Box D when a sole proprietor is completing the Certification and Disclosure form or when an individual or entity whose contributions are attributable to the business entity is completing a separate Certification and Disclosure form.

**Read the five statements of certification prior to signing.**

The representative authorized to complete the Certification and Disclosure form must sign and print her/his name, title or position and enter the date.
Public Law 2005, Chapter 51 and Executive Order 117 (2008)

State Agency Procedure for Submitting Form(s)

The State Agency should submit the completed and signed Two-Year Vendor Certification and Disclosure forms either electronically to: cd134@treas.nj.gov or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625-0230. Original forms should remain with the State Agency and copies should be sent to the Chapter 51 Review Unit.

Business Entity Procedure for Submitting Form(s)

The business entity should return this form to the contracting State Agency. The business entity can submit the Certification and Disclosure form directly to the Chapter 51 Review Unit only when:

- The business entity is approaching its two-year certification expiration date and is seeking certification renewal;
- The business entity has had a change in its ownership structure; OR
- The business entity made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Questions & Information

Questions regarding the interpretation or application of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13) or E.O. 117 (2008) may be submitted electronically through the Division of Purchase and Property website at: https://www.state.nj.us/treas/purchase/eq134questions.shtml

Reference materials and forms are posted on the Political Contributions Compliance website at:

http://www.state.nj.us/treasury/purchase/execorder134.shtml

USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117

- “Business Entity/Vendor” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. The definition also includes (i) if a business entity is a for-profit corporation, any officer of the corporation and any other person or business entity that owns or controls 10% or more of the stock of the corporation; (ii) if a business entity is a professional corporation, any shareholder or officer; (iii) if a business entity is a general partnership, limited partnership or limited liability partnership, any partner; (iv) if a business entity is a sole proprietorship, the proprietor; (v) if the business entity is any other form of entity organized under the laws of New Jersey or any other state or foreign jurisdiction, any principal, officer or partner thereof; (vi) any subsidiaries directly or indirectly controlled by the business entity; (vii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (viii) with respect to an individual who is included within the definition of “business entity,” that individual’s civil union partner and any child residing with that person. 1

- “Officer” means a president, vice president with senior management responsibility, secretary, treasurer, chief executive officer or chief financial officer of a corporation or any person routinely performing such functions for a corporation. Please note that officers of non-profit entities are excluded from this definition.

- “Partner” means one of two or more natural persons or other entities, including a corporation, who or which are joint owners of and carry on a business for profit, and which business is organized under the laws of this State or any other state or foreign jurisdiction, as a general partnership, limited partnership, limited liability partnership, limited liability company, limited partnership association, or other such form of business organization.

1Contributions made by a spouse, civil union partner or resident child to a candidate for whom the contributor is eligible to vote or to a political party committee within whose jurisdiction the contributor resides are permitted.
USEFUL DEFINITIONS for the purposes of Chapter 51 and Executive Order 117

- "Contribution" is a contribution, including an in-kind contribution, in excess of $300.00 in the aggregate per election made to or received by a candidate committee, joint candidates committee, or political committee; or per calendar year made to or received by a political party committee, legislative leadership committee, or continuing political committee or a currency contribution in any amount.

- "In-kind Contribution" means a contribution of goods or services received by a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee, which contribution is paid for by a person or entity other than the recipient committee, but does not include services provided without compensation by an individual volunteering a part of or all of his or her time on behalf of a candidate or committee.

- "Continuing Political Committee" includes any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $4,300 to aid or promote the candidacy of an individual, or the candidacies of individuals, for elective public office, or the passage or defeat of a public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined by the Commission to be a continuing political committee in accordance with N.J.S.A. 19:44A-8(b).

- "Candidate Committee" means a committee established by a candidate pursuant to N.J.S.A. 19:44A-8(a), for the purpose of receiving contributions and making expenditures.

- "State Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-4.

- "County Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-3.

- "Municipal Political Party Committee" means a committee organized pursuant to N.J.S.A. 19:5-2.

- "Legislative Leadership Committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, or the Minority Leader of the General Assembly pursuant to N.J.S.A. 19:44A-10.1 for the purpose of receiving contributions and making expenditures.

- "Political Party Committee" means:
  1. The State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4;
  2. Any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3; or
  3. Any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2
FOR STATE AGENCY USE ONLY

Solicitation, RFP, or Contract No. ____________________________ Award Amount ____________________________

Description of Services ____________________________________________________________________________

State Agency Name ____________________________ Contact Person ____________________________

Phone Number ____________________________ Contact Email ____________________________

☐ Check if the Contract / Agreement is Being Funded Using FHWA Funds

Please check if requesting recertification ☐

Part 1: Business Entity Information

Full Legal Business Name ____________________________ (Including trade name if applicable)

Address ________________________________________________________________

City ____________________________ State ________ Zip ________ Phone __________

Vendor Email ____________________________ Vendor FEIN (SS# if sole proprietor/natural person) ________

Check off the business type and list below the required information for the type of business selected.

☐ Corporation: LIST ALL OFFICERS and any 10% and greater shareholder
☐ Professional Corporation: LIST ALL OFFICERS and ALL SHAREHOLDERS
☐ Partnership: LIST ALL PARTNERS with any equity interest
☐ Limited Liability Company: LIST ALL MEMBERS with any equity interest
☐ Sole Proprietor

Note: "Officers" means President, Vice President with senior management responsibility, Secretary, Treasurer, Chief Executive Officer or Chief Financial Officer of a corporation, or any person routinely performing such functions for a corporation.

All Officers of a Corporation or PC ____________________________ 10% and greater shareholders of a corporation or all shareholder of a PC ____________________________

All Equity partners of a Partnership ____________________________ All Equity members of a LLC ____________________________

If you need additional space for listing of Officers, Shareholders, Partners or Members, please attach separate page.

IMPORTANT NOTE: You must review the definition of "contribution" and "business entity" on the Information and Instructions form prior to completing Part 2 and Part 3. The Information and Instructions form is available at: http://www.state.nj.us/treasury/purchase/forms.shtml#e6134.
Part 2: Disclosure of Contributions by the business entity or any person or entity whose contributions are attributable to the business entity.

1. Report below all contributions solicited or made during the 4 years immediately preceding the commencement of negotiations or submission of a proposal to any:

   Political organization organized under Section 527 of the Internal Revenue Code and which also meets the definition of a continuing political committee as defined in N.J.S.A. (See Information and Instructions form.)

2. Report below all contributions solicited or made during the 5 ½ years immediately preceding the commencement of negotiations or submission of a proposal to any:

   Candidate Committee for or Election Fund of any Gubernatorial or Lieutenant Gubernatorial candidate
   State Political Party Committee
   County Political Party Committee

3. Report below all contributions solicited or made during the 18 months immediately preceding the commencement of negotiations or submission of a proposal to any:

   Municipal Political Party Committee
   Legislative Leadership Committee

Full Legal Name of Recipient _______________________________________________________________

Address of Recipient ___________________________________________________________________

Date of Contribution ___________________________ Amount of Contribution ___________________________

Type of Contribution (i.e. currency, check, loan, in-kind) ________________________________

Contributor Name _______________________________________________________________________

Relationship of Contributor to the Vendor ________________________________________________

If this form is not being completed electronically, please attach additional contributions on separate page.

Remove Contribution

Add a Contribution

☐ Check this box only if no political contributions have been solicited or made by the business entity or any person or entity whose contributions are attributable to the business entity.

Part 3: Certification

(A) ☐ I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under Part 1: Vendor Information.

(B) ☐ I am certifying on behalf of the business entity and all individuals and/or entities whose contributions are attributable to the business entity as listed on Page 1 under Part 1: Vendor Information, except for the individuals and/or entities who are submitting separate Certification and Disclosure forms which are included with this submittal.

(C) ☐ I am certifying on behalf of the business entity only; any remaining persons or entities whose contributions are attributable to the business entity (as listed on Page 1) have completed separate Certification and Disclosure forms which are included with this submittal.

(D) ☐ I am certifying as an individual or entity whose contributions are attributable to the business entity.

I hereby certify as follows:

1. I have read the Information and Instructions accompanying this form prior to completing the certification on behalf of the business entity.

2. All reportable contributions made by or attributable to the business entity have been listed above.

Chapter 51 - Rev. 4/17/15
3. The business entity has not knowingly solicited or made any contribution of money, pledge of contribution, including in-kind contributions, that would bar the award of a contract to the business entity unless otherwise disclosed above:

a) Within the 18 months immediately preceding the commencement of negotiations or submission of a proposal for the contract or agreement to:

(i) A candidate committee or election fund of any candidate for the public office of Governor or Lieutenant Governor or to a campaign committee or election fund of holder of public office of Governor or Lieutenant Governor; OR
(ii) Any State, County or Municipal political party committee; OR
(iii) Any Legislative Leadership committee.

b) During the term of office of the current Governor or Lieutenant Governor to:

(i) A candidate committee or election fund of a holder of the public office of Governor or Lieutenant Governor; OR
(ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.

c) Within the 18 months immediately preceding the last day of the sitting Governor or Lieutenant Governor’s first term of office to:

(i) A candidate committee or election fund of the incumbent Governor or Lieutenant Governor; OR
(ii) Any State or County political party committee of the political party that nominated the sitting Governor or Lieutenant Governor in the last gubernatorial election.

4. During the term of the contract/agreement the business entity has a continuing responsibility to report, by submitting a new Certification and Disclosure form, any contribution it solicits or makes to:

(a) Any candidate committee or election fund of any candidate or holder of the public office of Governor or Lieutenant Governor; OR
(b) Any State, County or Municipal political party committee; OR
(c) Any Legislative Leadership committee.

The business entity further acknowledges that contributions solicited or made during the term of the contract/agreement may be determined to be a material breach of the contract/agreement.

5. During the two-year certification period the business entity will report any changes in its ownership structure (including the appointment of an officer within a corporation) by submitting a new Certification and Disclosure form indicating the new owner(s) and reporting said owner(s) contributions.

I certify that the foregoing statements in Parts 1, 2 and 3 are true. I am aware that if any of the statements are willfully false, I may be subject to punishment.

Signed Name ___________________________ Print Name ___________________________
Title/Position ___________________________ Date ___________________________

Procedure for Submitting Form(s)

The contracting State Agency should submit this form to the Chapter 51 Review Unit when it has been required as part of a contracting process. The contracting State Agency should submit a copy of the completed and signed form(s), to the Chapter 51 Unit and retain the original for their records.

The business entity should return this form to the contracting State Agency. The business entity can submit this form directly to the Chapter 51 Review Unit only when it -

• is approaching its two-year certification expiration date and wishes to renew certification;
• had a change in its ownership structure; OR
• made any contributions during the period in which its last two-year certification was in effect, or during the term of a contract with a State Agency.

Forms should be submitted either electronically to: cd134@treas.nj.gov, or regular mail at: Chapter 51 Review Unit, P.O. Box 230, 33 West State Street, Trenton, NJ 08625.
GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not limited to the following: employment, upgrading, demotion, or transfer; reselection for training, including apprenticeship. The contractor agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
Exhibit A – Mandatory Equal Employment Opportunity Language
N.J.S.A. 10:5-31 et seq.,
N.J.A.C. 17:27

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal Law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents: ☐

☐ Letter of Federal Affirmative Action Plan Approval
☐ Certificate of Employee Information Report
☐ Employee Information Report Form AA302

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27

Submitted by:

Name of Firm: _______________________________________________________

By: ________________________________________________________________

Title: ______________________________________________________________

Date: _______________________________________________________________

revised 5/28/2013
INSTRUCTIONS FOR COMPLETING THE
EMPLOYEE INFORMATION REPORT (FORM AA302)

IMPORTANT: READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORM. PRINT OR TYPE ALL INFORMATION. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED $150.00 NON-REFUNDABLE FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. IF YOU HAVE A CURRENT CERTIFICATE OF EMPLOYEE INFORMATION REPORT, DO NOT COMPLETE THIS FORM UNLESS YOUR ARE RENEWING A CERTIFICATE THAT IS DUE FOR EXPIRATION. DO NOT COMPLETE THIS FORM FOR CONSTRUCTION CONTRACT AWARDS.

ITEM 1 - Enter the Federal Identification Number assigned by the Internal Revenue Service, or if a Federal Employer Identification Number has been applied for, or if your business is such that you have not or will not receive a Federal Employer Identification Number, enter the Social Security Number of the owner or of one partner, in the case of a partnership.

ITEM 2 - Check the box appropriate to your TYPE OF BUSINESS. If you are engaged in more than one type of business check the predominate one. If you are a manufacturer deriving more than 50% of your receipts from your own retail outlets, check “Retail”.

ITEM 3 - Enter the total “number” of employees in the entire company, including part-time employees. This number shall include all facilities in the entire firm or corporation.

ITEM 4 - Enter the name by which the company is identified. If there is more than one company name, enter the predominate one.

ITEM 5 - Enter the physical location of the company. Include City, County, State and Zip Code.

ITEM 6 - Enter the name of any parent or affiliated company including the City, County, State and Zip Code. If there is none, so indicate by entering “None” or N/A.

ITEM 7 - Check the box appropriate to your type of company establishment. “Single-establishment Employer” shall include an employer whose business is conducted at only one physical location. “Multi-establishment Employer” shall include an employer whose business is conducted at more than one location.

ITEM 8 - If “Multi-establishment” was entered in item 8, enter the number of establishments within the State of New Jersey.

ITEM 9 - Enter the total number of employees at the establishment being awarded the contract.

ITEM 10 - Enter the name of the Public Agency awarding the contract. Include City, County, State and Zip Code. This is not applicable if you are renewing a current Certificate.

ITEM 11 - Enter the appropriate figures on all lines and in all columns. THIS SHALL ONLY INCLUDE EMPLOYMENT DATA FROM THE FACILITY THAT IS BEING AWARDED THE CONTRACT. DO NOT list the same employee in more than one job category. DO NOT attach an EEO-1 Report.

Racial/Ethnic Groups will be defined:
Black: Not of Hispanic origin. Persons having origin in any of the Black racial groups of Africa.
Hispanic: Persons of Mexican, Puerto Rican, Cuban, or Central or South American or other Spanish culture or origin, regardless of race.
American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
Asian or Pacific Islander: Persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands and Samoa.
Non-Minority: Any Persons not identified in any of the aforementioned Racial/Ethnic Groups.

ITEM 12 - Check the appropriate box. If the race or ethnic group information was not obtained by 1 or 2, specify by what other means this was done in 3.

ITEM 13 - Enter the dates of the payroll period used to prepare the employment data presented in Item 12.

ITEM 14 - If this is the first time an Employee Information Report has been submitted for this company, check block “Yes”.

ITEM 15 - If the answer to Item 15 is “No”, enter the date when the last Employee Information Report was submitted by this company.

ITEM 16 - Print or type the name of the person completing the form. Include the signature, title and date.

ITEM 17 - Enter the physical location where the form is being completed. Include City, State, Zip Code and Phone Number.

TYPE OR PRINT IN SHARP BALL POINT PEN

THE VENDOR IS TO COMPLETE THE EMPLOYEE INFORMATION REPORT FORM (AA302) AND RETAIN A COPY FOR THE VENDOR'S OWN FILES. THE VENDOR SHOULD ALSO SUBMIT A COPY TO THE PUBLIC AGENCY AWARDING THE CONTRACT IF THIS IS YOUR FIRST REPORT; AND FORWARD ONE COPY WITH A CHECK IN THE AMOUNT OF $150.00 PAYABLE TO THE TREASURER, STATE OF NEW JERSEY (FEE IS NON-REFUNDABLE) TO:

NJ Department of the Treasury
Division of Purchase & Property
Contract Compliance Audit Unit
EEO Monitoring Program
P.O. Box 206

Trenton, New Jersey 08625-0206
Telephone No. (609) 292-5473
# STATE OF NEW JERSEY

**Division of Purchase & Property**

**Contract Compliance Audit Unit**

**EEO Monitoring Program**

## EMPLOYEE INFORMATION REPORT

**IMPORTANT-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED $150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION 8, ITEM 11. For instructions on completing the form, go to:**

http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ns.pdf

### SECTION A - COMPANY IDENTIFICATION

<table>
<thead>
<tr>
<th>1. FID. NO. OR SOCIAL SECURITY</th>
<th>2. TYPE OF BUSINESS</th>
<th>3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□ MFG</td>
<td>□ WHOLESALE</td>
</tr>
<tr>
<td></td>
<td>□ SERVICE</td>
<td>□ OTHER</td>
</tr>
<tr>
<td></td>
<td>□ RETAIL</td>
<td></td>
</tr>
</tbody>
</table>

4. COMPANY NAME

5. STREET  
CITY  
COUNTY  
STATE  
ZIP CODE

6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)  
CITY  
STATE  
ZIP CODE

7. CHECK ONE: IS THE COMPANY:  
□ SINGLE-ESTABLISHMENT EMPLOYER  
□ MULTI-ESTABLISHMENT EMPLOYER

8. IF MULTI-ESTABLISHMENT EMPLOYER, STATE THE NUMBER OF ESTABLISHMENTS IN NJ

9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT

10. PUBLIC AGENCY AWARDING CONTRACT

CITY  
COUNTY  
STATE  
ZIP CODE

**Official Use Only**  
DATE RECEIVED  
NAUG. DATE  
ASSIGNED CERTIFICATION NUMBER

### SECTION B - EMPLOYMENT DATA

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/minority categories, in columns 1, 2, & 3. DO NOT SUBMIT AN EEO-1 REPORT.

<table>
<thead>
<tr>
<th>JOB CATEGORIES</th>
<th>ALL EMPLOYEES</th>
<th>PERMANENT MINORITY/ NON-MINORITY EMPLOYEE BREAKDOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COL. 1 TOTAL</td>
<td><strong>MALE</strong> (Col. 2 &amp; 3)</td>
</tr>
<tr>
<td></td>
<td>COL. 2 MALE</td>
<td><strong>FEMALE</strong> (Col. 3)</td>
</tr>
<tr>
<td></td>
<td>COL. 3 FEMALE</td>
<td></td>
</tr>
</tbody>
</table>

Officials/Managers  
Professionals  
Technicians  
Sales Workers  
Office & Clerical  
Craftworkers (Skilled)  
Operatives (Semi-skilled)  
Laborers (Unskilled)  
Service Workers  
TOTAL  
The data below shall NOT be included in the figures for the appropriate categories above.

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED:  
□ 1. Visual Survey  
□ 2. Employment Record  
□ 3. Other (Specify)

13. DATES OF PAYROLL PERIOD USED  
From:  
To:  
1. YES  
2. NO

### SECTION C - SIGNATURE AND IDENTIFICATION

14. IS THIS THE FIRST  
Employer Information Report Submitted?

15. IF NO, DATE LAST REPORT SUBMITTED  
MO. DAY. YEAR

16. NAME OF PERSON COMPLETING FORM (Print or Type)  
SIGNATURE  
TITLE  
DATE  
MO. DAY. YEAR

17. ADDRESS NO. & STREET  
CITY  
COUNTY  
STATE  
ZIP CODE  
PHONE (AREA CODE, NO. EXTENSION)  
-
State of New Jersey
Executive Order #34
Governor Brendan Byrne

WHEREAS, it is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid secret or illicit dealing; and

WHEREAS, it is essential that such persons be fully informed of policies of the State in this regard, and be afforded procedural safeguards appropriate to circumstances which such policies may occasion; and

WHEREAS, the courts have affirmed the duty and obligation of State officials to develop and effectuate such policies; and

WHEREAS, it is essential that such policies be uniformly applied by the various agencies of the Executive Branch, and that uniform procedures be adopted to implement them,

NOW, THEREFORE, I, BRENDAN BYRNE, Governor of the State of New Jersey, do hereby order and direct that:

1. Debarment, suspension and disqualification are measures which shall be invoked by the State to exclude or render ineligible certain persons from participation in contracts and subcontracts with the State, or in projects or contracts performed with the assistance of the subject to the approval of the State, on the basis of a lack of responsibility. These measures shall be used for the purpose of protecting the interests of the State and not for punishment. To assure the State the benefits to be derived from the full and free competition between and among such persons and to maximize the opportunity for honest competition and performance, these measure shall not be invoked for any longer than deemed necessary to protect the interests of the State.

2. As used in this Order,

   (a) "Debarment" means an exclusion from state contracting, on the basis of lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

   (b) "Suspension" means an exclusion from state contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.

   (c) "Disqualification" means a debarment or a suspension which denies or revokes a qualification to bid or otherwise engage in state contracting which has been granted or applied for pursuant to statute, or rules and regulations.
(d) "State" means the State of New Jersey, or any of the departments or agencies in the Executive Branch of government with the lawful authority to engage in contracting.

(e) "Person" means any natural person, company, firm, association, corporation, or other entity.

(f) "State Contracting" means any arrangement giving rise to an obligation to supply any thing to or perform any service for the State, other than by virtue of state employment, or to supply any thing to or perform any service for a private person where the State provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

(g) "Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has power to control another.

3. The executive head of each department or agency in the Executive Branch, with the lawful authority to engage in state contracting, shall, within ninety days of the date of this Order and in accordance with the provisions of the Administrative Procedures Act (P.L.1968, c.410, C.52:14B-1 et seq.), promulgate rules and regulation governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by that department or agency. Such rules and regulations shall to the extent consistent with existing law conform to the minimum standards hereinafter set forth, but need not be limited to such standards. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and the Treasurer a copy of such rules and regulations as may be promulgated.

4. Subject to the conditions hereinafter described, the rules and regulations referred to in Section 3 supra, shall authorize the department or agency to debar a person in the public interest for any of the following causes:

(a) Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

(b) Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.


(d) Violation of any of the laws governing the conduct of elections of the State of New Jersey or of its political subdivisions.

(e) Violations of the "Law Against Discrimination" (P.L. 1945, c.169, C.10:5-1 et seq., as supplemented by P.L. 1975, c.127), or of the act banning discrimination in public works employment (C.10:2-1 et seq.), or of the "Act

(f) Violations of any laws governing the hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.

(g) Violations of any laws governing the conduct of occupations or professions or regulated industries.

(h) Willful failure to perform in accordance with contract specifications or within contractual time limits.

(i) A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred.

(j) Violation of contractual or statutory provisions regulating contingent fees.

(k) Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the department or agency to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts.

5. The rules and regulations concerning debarment required herein shall include in substance the following conditions:

(a) Debarment shall be made only upon approval of the executive head of the department or agency, except as otherwise provided by law.

(b) The existence of any of the causes set forth in paragraph 4 of this Order shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the head of the department or agency unless otherwise required by law, and shall be rendered in the best interests of the State.

(c) All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

(d) The existence of a cause set forth in subparagraph's (a), (b), (c), (d), (e), (f), and (g) of paragraph 4 of this Order shall be established upon the rendering of a final judgment or conviction by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

(e) The existence of a cause set forth in subparagraph (h), (i), (j), and (k) of paragraph 4 of this Order shall be established by evidence which the department or agency determines to be clear and convincing in nature.
(f) Debarment for the cause set forth in subparagraph (i) of paragraph 4 of this Order shall be proper provided that one of the causes set forth in subparagraph 4(a) through 4(k) was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

6. The rules and regulations concerning debarment required by this Order shall include in substance the following provisions regarding procedures, period of debarment and scope of debarment:

(a) A department or agency seeking to debar a person or his affiliates shall furnish such party with a written notice: (i) stating that debarment is being considered, (ii) setting forth the reasons for the proposed debarment, and (iii) indicating that such party will be accorded an opportunity for a hearing if he so requests within a stated period of time. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act. However, where one department or agency may also impose a similar debarment without according an opportunity for a hearing, provided that the second agency furnishes notice of the proposed similar debarment to that party, and accords that party an opportunity to present information in his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

(b) Debarment shall be for a reasonable, definitely stated period of time which as a general rule shall not exceed five years. Debarment for an additional period shall be permitted provided that notice thereof is furnished and the party is accorded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

(c) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the debarring agency upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.

(d) A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may by imputed to a person with whom he is affiliated, where such conduct was accomplished within in the course of his official duty or was effected by him with the knowledge or approval of such person.

7. Subject to the conditions hereinafter described, the rules and regulations required by this Order shall authorize the department or agency to suspend a person in the public interest for any cause specified in paragraph 4 of this Order, or upon a reasonable suspicion that such cause exists.
8. The rules and regulations concerning suspension required by this Order shall include in substance the following conditions:

(a) Suspension shall be imposed only upon approval of the executive head of the department or agency and upon approval of the Attorney General, except as otherwise provided by law.

(b) The existence of any cause for suspension shall not require that a suspension by imposed, and a decision to suspend shall be made at the discretion of the executive head of the department and of the Attorney General, and shall be rendered in the best interest of the State.

(c) Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists.

(d) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

(e) Reasonable suspicion of the existence of a cause described in subparagraph's (a), (b), (c), (d), (e), (f), and (g) of paragraph 4 of this Order may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

(f) A suspension invoked by an agency for any of the causes described in subparagraph's (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of paragraph 4 of this Order may be the basis for the imposition of a concurrent suspension by another agency, which may impose such suspension without the approval of the Attorney General.

9. The rules and regulations concerning suspension required by this Order shall include in substance the following provisions regarding procedures, period of suspension and scope of suspension:

(a) A department or agency may suspend a person or his affiliates, provided that within ten days after the effective date of the suspension, the agency provides such party with a written notice: (i) stating that a suspension has been imposed and its effective date, (ii) setting forth the reasons for the suspension to the extent that the Attorney General determines that such reasons may be properly disclosed, (iii) stating that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue, and (iv) indicating that, if such legal proceedings are not commenced or the suspension removed within sixty days of the date of such notice, the party will be given either a statement of the reasons for the suspension and an opportunity for a hearing if he so requests, or a statement declining to give such reasons and setting forth the agency's position regarding the continuation of the suspension. Where a suspension by one agency has been the basis for
suspension by another agency, the latter shall note that fact as a reason for its suspension.

(b) A suspension shall not continue beyond eighteen months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been initiated. The suspension may continue until the legal proceedings are completed.

(c) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

10. The rules and regulations required by this Order shall contain such provisions as may be necessary to conform existing practices and procedures under any relevant pre-qualification statutes to the procedures governing debarment and suspension required herein, to the extent that such existing practices and procedures may concern the disqualification of any person from state contracting.

11. The rules and regulations required by this Order shall provide that the exclusion from state contracting by virtue of debarment, suspension or disqualification shall extend to all state contracting and subcontracting within the control or jurisdiction of the department or agency which imposed the exclusion. However, when it is determined essential to the public interest by the head of the department or agency, and upon filing of a finding thereof with the Attorney General, an exception from total exclusion may be made with respect to a particular state contract.

12. Insofar as practicable, prior notice shall be given to the Attorney General and the Treasurer of any proposed debarment or suspension.

13. The Treasurer shall maintain a current list of the names of all persons suspended or debarred, the effective date and term if any thereof and the agency or agencies which imposed same. Such list shall be available for public inspection.

14. Departments and agencies required by this Order to promulgate rules and regulations governing debarment and suspension are hereby authorized in connection with any proceeding thereunder to receive such information regarding the criminal conduct or criminal record of any person to the extent that such disclosure is deemed appropriate by the Attorney General, consistent with existing federal and state law.

15. Nothing required by this Order shall be construed to limit the authority of any department or agency to refrain from contracting with the discretion allowed by law.

GIVEN, under my hand and seal,
this 17th day of March in the year of our Lord, one thousand nine hundred and seventy-six, and of the Independence of the United States, the two hundredth
State of New Jersey
Executive Order #189

Governor Thomas H. Kean

WHEREAS, it is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid conflicts of interest; and

WHEREAS, the New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of their duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, the New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from acting in their official capacity in any matter wherein they have a direct or indirect personal financial interest which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, N.J.S.A. 52:34-19 provides that it shall be a misdemeanor to pay any fee, commission, compensation, gift or gratuity of any kind, directly or indirectly, to any person employed by the Department of the Treasury or to any other person in the employ of the State having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the State or any agency or instrumentality thereof by or on behalf of any seller or supplier of such goods or services or other party to a contract with the State; and

WHEREAS, it is essential that persons providing goods or services to, or performing contracts for, the State be fully informed of the policies of the State concerning their relationships with State officers or employees and special State officers or employees and that these policies be uniformly applied by the various agencies of the Executive Branch; and

WHEREAS, it is therefore necessary to supplement Executive Order No. 34 (1976), which provides the grounds and procedures applicable to the debarment, suspension and disqualification of State vendors, to encompass appropriate standards prohibiting conflicts of interest on the part of present and prospective State vendors;

NOW, THEREFORE, I, THOMAS H. KEAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. As used in this Order, "vendor" means any person, firm, corporation, or other entity which provides or offers or proposes to provide goods or services to or perform any contract for any State agency.
2. The executive head of each department or agency in the Executive Branch with the lawful authority to engage in State contracting shall, in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., promulgate regulations supplementing those heretofore established pursuant to Executive Order No. 34 (1976) governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by the department or agency to include the minimum standards hereinafter set forth. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and Treasurer a copy of such rules and regulations as may be promulgated.

3. The rules and regulations referred to in Paragraph 2 shall include the following prohibitions on vendor activities, the violation of which shall render said vendor liable to debarment in the public interest, pursuant to the procedures established by Executive Order No. 34 (1976), by any Executive department or agency:

   a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

   b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

   c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

   d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

   e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use,
his official position to secure unwarranted privileges or advantages for the vendor or any other person.

f. The provisions cited above in paragraph 3a. through 3e. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c.

4. The rules and regulations referred to in Paragraph 2, supra, shall require that the prohibitions set forth Paragraph 3, supra, shall be included in all requests for proposals issued by any State department or agency and in all contracts executed on behalf of a State department or agency, other than those of an interstate agency to which New Jersey is a party and contracts entered into on behalf of the interstate agency.

5. Nothing required by this Order shall be construed to limit the authority of any State department or agency to refrain from contracting within the discretion allowed by law, or to limit N.J.S.A. 52:34-19 or any other applicable statute or regulation.

6. This Order shall take effect on the ninetieth day following its execution.

GIVEN, under my hand and seal,
this 20th day of July in the Year of Our Lord, one thousand nine hundred and eighty-eight, and of the Independence of the United States, the two hundred and thirteenth.

/s/ Thomas H. Kean
GOVERNOR

(seal)

Attest:

/s/ Michael R. Cole
Chief Counsel
State of New Jersey
Executive Order #84

Governor James J. Florio

WHEREAS, our nation is deeply committed to the universal principle of equality for all, a principle that is forever fixed in our fundamental law through the equal protection clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, since the time of the Civil War, our nation's history has been characterized by a long and difficult struggle to provide every citizen with equal rights under the law; and

WHEREAS, we are still engaged in an historic endeavor to cleanse our social, political, and economic life of invidious discrimination against racial and ethnic minorities, and against women; and

WHEREAS, our government cannot tolerate discrimination against African-Americans, who continue to suffer from the legacy of racism in America; against women, who have still not been fully admitted to the table of equality; and against ethnic minorities, such as Latinos and Asian-Americans, who also confront barriers of discrimination throughout this society; and

WHEREAS, our government bears a solemn responsibility to carry out the vision of equality and justice that has long nourished the righteous efforts of the civil rights movement; and

WHEREAS, the civil rights movement in the United States has transformed our legal and political system from one that embraced segregation and other forms of overt discrimination to one that now recognizes the right of every citizen to equal respect and concern; and

WHEREAS, nevertheless, our society continues to be marred by economic inequalities among our citizens -- inequalities that represent the direct and intolerable legacy of this nation's discriminatory past; and

WHEREAS, we owe an abiding obligation to the great civil rights leaders in our history, such as Dr. Martin Luther King, Cesar Chavez, Susan B. Anthony, and Supreme Court Justice Thurgood Marshall, to give the fullest measure of our efforts to eradicate the economic consequences of racial, ethnic, and gender discrimination; and

WHEREAS, we can best achieve the ideal of equal economic opportunity for all not by increasing our reliance on social welfare programs of the past, but by advancing new policies that promote economic self-reliance and entrepreneurial self-sufficiency; and

WHEREAS, in 1985, this State adopted with widespread support an innovative set-aside policy that guaranteed businesses owned by racial and ethnic minorities, and businesses owned by women an opportunity to obtain a fair portion of public contracts; and

WHEREAS, New Jersey's set-aside program not only redressed historic discrimination in the marketplace, but also advanced the critical interest of providing historically disadvantaged groups with the means and the experience to compete fairly in the economic setting; and
WHEREAS, in the 1989 case of City of Richmond v. Croson, the United States Supreme Court invalidated a City of Richmond set-aside program on the grounds that the city had failed to meet strict standards of constitutional scrutiny, which require that such policies be justified on the basis of evidence of actual discrimination, and that such policies be narrowly tailored to remedy such discrimination; and

WHEREAS, after Croson, the set-aside program in New Jersey was suspended; and

WHEREAS, on August 14, 1989, in response to the Croson case, Governor Thomas H. Kean issued Executive Order No. 213, which established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter the "Study Commission"); and

WHEREAS, the Executive Order directed the Study Commission to "investigate the nature and scope of any discriminatory practices" that exist in the awarding of construction and procurement contracts by the State of New Jersey, to "prepare an analysis of this information in order to develop probative evidence of any prior or present discrimination" in the awarding of such contracts, and to "identify and evaluate remedies for these practices consistent with guidelines established by the Supreme Court in Croson"; and

WHEREAS, the Study Commission, which has been continued throughout this Administration, has worked diligently since its formation to fulfill its mandate, and has presented me with its final report, complete with extensive findings and comprehensive proposals; and

WHEREAS, the Study Commission's report is based upon a thorough statistical analysis comparing the volume of contract dollars awarded by State agencies to firms owned and operated by minorities and women to the numbers of such firms that are qualified and available to provide goods and services to the State; and

WHEREAS, the Study Commission's report also contains extensive anecdotal and historical evidence revealing widespread discrimination in the marketplace, with which the State passively participates; and

WHEREAS, this compelling statistical and anecdotal evidence establishes a convincing case that firms owned and operated by racial and ethnic minorities, as well as firms owned and operated by women, experience widespread exclusion from the contracting process; and

WHEREAS, I have been advised by the Attorney General that the evidence set forth in the Study Commission's final report supplies a constitutionally permissible basis for establishing a set-aside policy under the strict scrutiny standards enunciated in the Croson case; and

WHEREAS, government must take every necessary and practicable step toward eradicating racial, ethnic, and gender discrimination from our society;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

construction contracts shall forthwith adopt a set-aside policy in accordance with the foregoing statutory provisions and with this Executive Order.

2. In particular, every such State contracting agency shall adopt a set-aside program that requires the agency to make a good faith effort to award 7% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by African-Americans, Latinos, and Asian-Americans, and 3% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by women.

3. These numerical goals shall be pursued to the fullest degree consistent with practicality, and only insofar as to advance the State's interest in awarding contracts to firms with the necessary qualifications, regardless of race, ethnicity, or gender. Furthermore, any set-aside program established as directed by this Order shall specifically authorize the department or agency administering the set-aside program to award contracts regardless of race, ethnicity, or gender, notwithstanding the numerical goals set forth above, whenever qualified minority- or women-owned businesses are unavailable to perform the services or supply the goods sought.

4. Any set-aside program established pursuant to this Order is remedial in nature and in purpose, and therefore shall be in effect with respect to each affected group only until such time as the discriminatory conditions that form the basis of the set-aside program are eradicated.

GIVEN, under my hand and seal this 5th day of March in the Year of Our Lord, One Thousand Nine Hundred and Ninety Three, and of the Independence of the United States, the Two Hundred and Seventeenth.

/s/ JAMES J. FLORIO
GOVERNOR

Attest:

/s/ M. Robert DeCotiis
Chief Counsel to the Governor
State of New Jersey
Executive Order #151
Governor Jon S. Corzine

WHEREAS, New Jersey is one of the most racially, culturally, and ethnically diverse states in the United States, and this diversity is reflected in the leaders and owners of its businesses, in the leaders and members of the labor movement, and in the employees in every segment of the workforce; and

WHEREAS, the State’s business community includes multi-national enterprises, industrial, commercial, and small business sectors; and

WHEREAS, the State’s thousands of small businesses, each with fewer than 100 employees, together generate almost 40% of the jobs in the State; and

WHEREAS, small, minority, and women-owned business enterprises have historically been underrepresented in the receipt of State contract awards; and

WHEREAS, the State’s workforce provides New Jersey’s multinational enterprises, its industrial, commercial, and small business sectors, and its public and not-for-profit sectors with highly educated, highly skilled, and highly motivated employees, who contribute to the prosperity of the State while supporting their families; and

WHEREAS, in response to the current national recession, the United States Congress enacted the American Recovery and Reinvestment Act of 2009 (ARRA), which will increase federal spending at the State and local levels by approximately $10 billion, and will fully fund certain work in the State, and partially fund other State projects; and

WHEREAS, given the recession and unemployment levels in New Jersey, it is imperative that every sector of the economy be offered the opportunity to benefit from the federal economic recovery funds and the State’s own spending; and

WHEREAS, many of the State’s businesses have significant public construction contracts and other contracts to provide goods or services to government and many others would like the opportunity to compete for these contracts to expand their businesses while serving the public; and

WHEREAS, residents of the State of New Jersey deserve a government that provides equal opportunity for all contractors to compete to submit winning bids on public contracts; and

WHEREAS, residents of the State of New Jersey, especially during these difficult economic times, deserve a government that does everything it can to expand job opportunities, particularly for men and women who are entering the workforce, who have experienced difficulties entering the workforce, or who have recently become unemployed or underemployed; and

WHEREAS, the State created an internet site, http://www.recovery.nj.gov, which outlines the allocation of New Jersey’s share of economic recovery funds under the ARRA; and
WHEREAS, to spend ARRA funds transparently and ensure that those seeking work have a fair chance to obtain ARRA-funded employment, State agencies and entities should be required to post all State and ARRA-funded jobs on the State Job Bank internet site, http://NJ.gov/JobCentralNJ, to allow New Jersey residents to identify these employment opportunities; and

WHEREAS, the State must procure its construction services, goods, and other services as efficiently as possible, with transparency in the processing, selection, and awarding of public contracts; and

WHEREAS, robust competition for public contracts ensures that the government of the State of New Jersey obtains the construction services, goods, and other services it needs to perform its vital functions with maximum cost effectiveness; and

WHEREAS, broad and sustained efforts to notify all potential bidders of opportunities to contract with government should be encouraged to promote competition for public contracts, thus benefiting the public fisc; and

WHEREAS, the State of New Jersey commissioned the State of New Jersey Construction Services Disparity Study 2000 – 2002 (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 2005), and both studies documented significant disparities between the firms ready, willing, and able to do business with the State, and those firms actually awarded contracts by State departments, agencies, authorities, colleges, and universities, as a result of which this Administration created through Executive Order No. 34 (2006) the Division of Minority and Women Business Development ("Division of M/W Business Development"); and

WHEREAS, Executive Order No. 34 charged the Director of the Division of M/W Business Development with monitoring programs to increase the participation of minority and women-owned businesses in the State’s purchasing and procurement processes; and

WHEREAS, since its inception, the Division of M/W Business Development, working with the Department of the Treasury’s Office of Supplier Diversity (“OSD”), has identified strategies to increase the number of small and minority and women-owned businesses interested in and eligible to benefit from state procurement activity; and

WHEREAS, the Division of M/W Business Development and OSD have increased outreach to and expanded the ability of these businesses to fulfill bid requirements for state contracts; and

WHEREAS, the Division of Public Contracts Equal Employment Opportunity Compliance in the Department of the Treasury (Division of Contract Compliance) monitors the employment of women and minorities with businesses that contract with government in an effort to ensure that contractors and vendors make good faith efforts to hire minorities and women in accordance with targeted goals based on the United States Census’ workforce availability statistics;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All members of the public should be afforded the opportunity to benefit from the federal economic recovery funds and associated state spending, and in particular, this Administration re-affirms the State’s commitment, expressed in statute and regulation, that every public contract, whether for construction services, goods, or other services, shall provide equal employment opportunity for women and minorities.

2. The Commissioners of the Departments of Community Affairs, Education, Environmental Protection, and Transportation; the President of the Board of Public Utilities; and the executive directors of the Schools Development Authority and the Economic Development Authority are directed to meet with members of
the Governor’s office, the Department of the Treasury, and representatives of the United States Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) to ensure that those departments receiving the bulk of federal economic recovery funds will provide the OFCCP their complete cooperation in complying with its mandates.

3. The Division of Contract Compliance shall be the entity within the Executive Branch responsible for determining whether minorities and women have been offered a fair opportunity for employment on State contracts. Executive branch departments and agencies, independent authorities, and State colleges and universities are directed to cooperate fully with the Division of Contract Compliance’s enforcement efforts, consistent with law, and to award public contracts only to those businesses that agree to comply with equal employment opportunity and affirmative action requirements.

4. The Division of Contract Compliance shall work cooperatively with the OFCCP, including sharing its workforce data to the maximum extent permitted by law, to assist the OFCCP in its enforcement efforts.

5. When not restricted by any other State or federal law, the Division of Contract Compliance shall determine whether each of the State entities whose performance it monitors (the “Reporting Agencies” listed in Appendix A to this Order) properly allocated and released to the Department of Labor and Workforce Development, as authorized by law, one-half of one percent of the total cost of a construction contract of $1,000,000 or more, to be used by the department for the New Jersey Builders Utilization Initiative for Labor Diversity program to train minorities and women for employment in construction trades. This provision shall apply to those construction contracts where the funding for the contract consists entirely of appropriated funds or a combination of funds from appropriated funds and other sources.

6. As a result of the aforementioned significant disparities in employment of minorities and women on construction sites and within the construction trades, all construction contracts entered into and funded, in whole or in part, by the State shall include mandatory EEO/AA contract language (in the form of Appendix B to this Order) that requires contractors to make a good faith effort to recruit and employ minorities and women as required by provisions of the Administrative Code, including but not limited to N.J.A.C. 17:27-3.6 to 3.8, and 17:27-7.3 and 7.4. In addition to the language set forth in Appendix B, such construction contracts shall contain the contractual language as required by N.J.A.C. 17-27-3.6, 3.7, and 3.8. As to the portion of each contract that is State funded, the language of the contract shall provide, consistent with Appendix B, that payment may be withheld for failure of the contractor to demonstrate to the satisfaction of the Reporting Agency that the required good faith effort was made. Failure of a contractor to satisfy the good faith effort requirement of its contract may also subject it to assessments imposed pursuant to findings of the Division of Contract Compliance in the Department of the Treasury, in accordance with N.J.A.C. 17:27-10.

7. Except as described in subparagraphs (a) and (b) of this paragraph, each Executive Branch agency that is a recipient of federal economic recovery funds pursuant to ARRA shall include in any contract, grant, or agreement funded in whole or in part with ARRA funds a clause requiring subrecipients, contractors, subcontractors, local education agencies, and vendors to post all job openings created pursuant to the contract, grant, or agreement on the State’s Job Bank at least 14 days before hiring is to commence. The clause shall state: "Since the funds supporting this contract, grant, or agreement are provided through the American Recovery and Reinvestment Act of 2009 (ARRA), the subrecipient, contractor, subcontractor, local education agency, or vendor will post any jobs that it creates or seeks to fill as a result of this contract, grant, or agreement. The subrecipient, contractor, subcontractor, local education agency, or vendor will post jobs to the New Jersey State Job Bank by submitting a job order using the form available at http://NJ.gov/JobCentralNJ, notwithstanding any other posting the subrecipient, contractor, subcontractor, local education agency, or vendor might make. Any advertisements posted by the subrecipient, contractor, subcontractor, local education agency, or vendor for positions pursuant to this contract, grant, or agreement must indicate that the position is funded with ARRA funds."
a. Posting shall not be required where the employer intends to fill the job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment, where pre-existing, legally binding collective bargaining agreements provide otherwise, or where an exception has been granted to the Reporting Agency by the Department of Labor and Workforce Development.

b. Nothing in this Order shall be interpreted to require the employment of apprentices if such employment may result in the displacement of journey workers employed by any employer, contractor or subcontractor.

8. All local government entities and local education agencies that have received or will receive directly from a federal agency federal economic recovery funds are strongly encouraged to require their contractors and subcontractors to post job openings on the State's Job Bank at least 14 days before hiring is to commence. Moreover, all New Jersey employers that enter into contracts funded with ARRA funds received by a local government entity or a local education agency directly from a federal agency are likewise strongly encouraged to post job openings created pursuant to the ARRA.

9. The Division of M/W Business Development shall send to the Reporting Agencies the contractual language set forth in Appendix C of this Order. Provisions of this contractual language have been shown to have a significant impact on (a) increasing the number of small and minority and women-owned businesses aware of contracting opportunities with the State and (b) increasing the number of such businesses competing for contracts with the State or subcontracts with entities contracting with the State. The Division of M/W Business Development shall work with each Reporting Agency to ensure the reporting of and ensure compliance with contract-specific contracting and subcontracting goals for the Reporting Agency that are consistent with the availability percentages set forth in Appendix D. These goals should incorporate good faith effort requirements and should be adjusted annually, consistent with the availability of minority and women-owned businesses for which significant disparities in utilization have been demonstrated in each business category.

10. Each Reporting Agency shall:

a. Inform the Division of M/W Business Development of contracting opportunities at the same time that it advertises or otherwise posts public notices of such opportunities, via consistent and timely upload of all-inclusive information to the bid opportunities database services managed by the Division of M/W Business Development. All pre-bid requirements shall be prominently advertised at the time of uploading to the Division of M/W Business Development databases;

b. Actively and regularly use the databases and other on-line services managed and operated by the Division of M/W Business Development to identify additional potential bidders. Because these databases and on-line services identify minority and women-owned businesses known to and registered or certified with the Division of M/W Business Development, the ongoing use of these resources by buyers, procurement agents, and other purchasing staff shall be closely monitored by the Reporting Agency's senior management;

c. Contact the businesses identified in the Division of M/W Business Development's databases and on-line services to provide them with notice of the contracting opportunities available through the Reporting Agency; and

d. Report to the Division of M/W Business Development all payments and awards prime contractors have issued to subcontractors, identifying payments and awards to minority and women-owned businesses on at least a quarterly basis.

11. To the maximum extent practicable, and when not restricted by any other State or federal law, each Reporting Agency shall incorporate the substance of the contractual language set forth in Appendix C into
its contracts, while continuing to follow the particular State and federal laws and regulations governing its contracting and procurement practices.

12. Each Reporting Agency shall, where substitution of subcontractors or sub-consultants is permitted, promulgate policies governing the circumstances under which contractors or consultants may substitute subcontractors or sub-consultants named in bid proposals or otherwise identified as small or women or minority-owned business subcontractors, sub-consultants, or vendors (“Substitution Policies”). The Substitution Policies shall provide that:

a. The contractor or consultant must notify and obtain approval from a small or women or minority-owned business subcontractor, sub-consultant, or vendor (“SMWBE contractor”) before including that contractor in a bid proposal or similar contract-related submission;

b. The contractor or consultant must notify and obtain authorization from the Reporting Agency before it substitutes a SMWBE contractor named in a bid proposal or other contract-related submission; and

c. If the substitution is approved, the contractor or consultant shall make a good faith effort to utilize another SMWBE contractor in place of the previous SMWBE contractor.

13. Each Reporting Agency shall report to the Division of M/W Business Development when it has incorporated the language set forth in Appendix C in its contracts. It shall also report to the Division of M/W Business Development when it has adopted its Substitution Policy, where such policy is permitted. The Division of M/W Business Development shall report on the number of Reporting Agencies that have modified their contracts and adopted a Substitution Policy at three month intervals until all of the Reporting Agencies have completed incorporation of the contractual language set forth in Appendix C and, where legally permitted, adoption of the Substitution Policy.

14. Nothing in this Order shall modify existing law, state or federal, or authorize a Reporting Agency to amend, modify, or otherwise alter pre-existing legal obligations. Further, this Order shall be interpreted consistently with the ARRA, and the federal regulations and guidelines governing its implementation, and in the event of a conflict between this Order and federal law governing ARRA, the Order shall be interpreted to comply with federal law.

15. Within 90 days of the date of this Order, the Division of M/W Business Development shall prepare a Contracting Guide identifying the management practices that have the greatest success in: (a) increasing the number of small and minority and women-owned businesses made aware of contracting opportunities with the State; and (b) increasing the number of such businesses competing for contracts with the state or subcontracts with entities contracting with the state. As soon as practicable thereafter, the Division of M/W Business Development shall distribute the Contracting Guide to the Reporting Agencies.

16. As soon as practicable after its receipt of the Contracting Guide, each Reporting Agency shall implement those provisions that it views as most likely to have the greatest impact in increasing contracting opportunities for small and minority and women-owned businesses.

17. Within one year and ninety days of the effective date of this Order, the Division of M/W Business Development and the Division of Contract Compliance shall each prepare a report describing the Reporting Agencies’ implementation of this Order. The Division of M/W Business Development and the Division of Contract Compliance each shall prepare a second report within one year of issuing its first report.

18. The Department of Labor and Workforce Development shall work together with all other Reporting Agencies that will receive ARRA funding and with the representatives of the United States Environmental
Protection Agency, the Federal Departments of Labor, Energy, Transportation, and Housing and Urban Development, and any other federal agencies distributing ARRA funds to:

a. Coordinate with labor unions that will aggressively recruit minorities and women for apprenticeships and training opportunities;

b. Increase outreach to and enrollment of minorities and women in apprenticeship, training, and related programs; and

c. Ensure that, to the greatest extent possible under the law, minorities and women apprentices and trainees are working on State and ARRA-funded work sites.

19. The Department of the Treasury and other departments, agencies, and independent authorities shall, consistent with law, take steps to increase their engagement of small, minority, or women-owned or controlled banks and credit unions to meet their financial services needs.

20. This Order shall take effect immediately.

GIVEN, under my hand and seal this 28th day of August Two Thousand and Nine, and of the Independence of the United States, the Two Hundred and Thirty-Fourth.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Kay Walcott-Henderson

First Assistant Chief Counsel

APPENDIX A

LIST OF REPORTING AGENCIES

Board of Public Utility Commissioners
Casino Control Commission
Casino Reinvestment Development Authority
Commission on Higher Education
Commission on Science & Technology
Council on Affordable Housing
Department of Agriculture
Department of Military & Veterans’ Affairs
Department of Banking & Insurance
Department of Children & Families
Department of Community Affairs
Department of Corrections
Department of Education
Department of Environmental Protection
Department of Health and Senior Services
Department of Human Services
Department of Labor and Workforce Development
Department of Law & Public Safety
Department of Public Advocate
Department of State
Department of Transportation
Department of the Treasury
Division of Property Management and Construction
Election Law Enforcement Commission
Fort Monmouth Economic Revitalization Planning Authority
Garden State Preservation Trust
Higher Education Student Assistance Authority
Kean University
Legalized Games of Chance Control Commission
Montclair State University
Motion Picture Commission
Motor Vehicle Commission
New Jersey City University
New Jersey Cultural Trust
New Jersey Institute of Technology
New Jersey Transit
NJ Building Authority
NJ Economic Development Authority
NJ Educational Facilities Authority
NJ Environmental Infrastructure Trust
NJ Health Care Facilities Financing Authority
NJ Highlands Council
NJ Housing & Mortgage Finance Agency
NJ Maritime Pilot and Docking Pilot Commission
NJ Meadowlands Commission
NJ Pinelands Commission
NJ Public Television & Radio (NJN) NJ Racing Commission NJ Redevelopment Authority
NJ Schools Development Authority
NJ Sports & Exposition Authority
NJ State Museum
NJ Turnpike Authority
NJ Water Supply Authority
North Jersey Transportation Planning Authority
North Jersey District Water Supply Commission
Office of Homeland Security
Office of Information Technology
Office of the Child Advocate
Office of the Inspector General
Office of the Public Defender
Rampapo College
Rowan University
Rutgers University
South Jersey Port Corporation
South Jersey Transportation Authority
South Jersey Transportation Planning Organization
State Agriculture Development Committee
State Economic Recovery Board For Camden
State Ethics Commission
State Employment & Training Commission
State Lottery Commission
Stockton College
The College of New Jersey
Thomas Edison State College
Transportation Trust Fund Authority
University of Medicine & Dentistry of New Jersey
William Paterson University

APPENDIX B

It is the policy of the [Reporting Agency] that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the [Reporting Agency] to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to ensure that minorities and women have been afforded equal opportunity to gain employment under the [Reporting Agency]'s contract with the contractor. Payment may be withheld from a contractor’s contract for failure to comply with these provisions.

Evidence of a “good faith effort” includes, but is not limited to:

1. The Contractor shall recruit prospective employees through the State Job Bank website, managed by the Department of Labor and Workforce Development, available online at http://NJ.gov/JobCentralNJ.

2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women.

3. The Contractor shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media.

4. The Contractor shall provide evidence of efforts described at 2 above to the [Reporting Agency] no less frequently than once every 12 months.

5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

APPENDIX C

It is the policy of the [Reporting Agency] that small businesses (each a “small business enterprise” or “SBE”), as determined and defined by the State of New Jersey, Division of Minority and Women Business Development (“Division”) and the New Jersey Department of the Treasury (“Treasury”) in N.J.A.C. 17:14 et seq. or other application regulation, should have the opportunity to participate in [Reporting Agency] Contracts.

To the extent the Firm engages subcontractors or sub-consultants to perform Services for the [Reporting Agency] pursuant to this Contract, the Firm must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to utilize subcontractors and sub-consultants who are registered with the
Division as SBEs. Furthermore, the Reporting Agency shall be evaluated quarterly by the Division, based on its attainment of the Participation Goals set forth in the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June, 2005). (These participation goals are set forth below.)

Evidence of a "good faith effort" includes, but is not limited to:

1. The Firm shall request listings of SBEs from the Division (609) 292-2146 and/or the [Reporting Agency] and attempt to contact same.

2. The Firm shall keep specific records of its efforts, including records of all requests made to the Division, the names of SBEs contacted, and the means and results of such contacts, including without limitation receipts from certified mail and telephone records. 3. The Firm shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations of SBEs for the provision of Services, including advertisements in general circulation media, professional service publications and small business, minority-owned business or women-owned business focus media.

4. The Firm shall provide evidence of efforts made to identify categories of Services capable of being performed by SBEs.

5. The Firm shall provide all potential subcontractors and sub-consultants that the Firm has contacted pursuant to 2 or 3 above with detailed information regarding the scope of work of the subject contract.

6. The Firm shall provide evidence of efforts made to use the goods and/or services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

Furthermore, the Firm shall submit proof of its subcontractors’ and/or sub-consultants’ SBE registrations on the form attached as Exhibit __, and shall complete such other forms as may be required by the [Reporting Agency] for State reporting as to participation.

Participation Goals

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

(a) State Agencies/Authorities/Commissions

African Americans -- 6.3%
Asian Americans -- 4.34%

(b) State Colleges and Universities

African Americans -- 6.3%
Asian Americans -- 4.34%
Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).
State Colleges and Universities

African Americans -- 4.51%
Asian Americans -- 7.11%
Hispanics -- 4.09%

3. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%
Asian Americans -- 1.47%
Hispanics -- 1.1%
Native Americans -- 0.07%
Caucasian Females -- 3.74%

4. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%
Asian Americans -- 0.85%
Hispanics -- 0.67%
Native Americans -- 0.05%
Caucasian Females -- 1.96%

5. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%
Asian Americans -- 1.74%
Hispanics -- 1.32%
Native Americans -- 0.10%
Caucasian Females -- 4.45%

Appendix D

Consistent with the findings of the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 13, 2005), each Reporting Agency should aspire to allocate a portion of its total contracting dollars in accordance with the following goals.
1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

(c) State Agencies/Authorities/Commissions

African Americans -- 6.3%
Asian Americans -- 4.34%

(d) State Colleges and Universities

African Americans -- 6.3%
Asian Americans -- 4.34%
Caucasian Females -- 12.67%

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State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%
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materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%
Asian Americans -- 1.74%
Hispanics -- 1.32%
Native Americans -- 0.10%
Caucasian Females -- 4.45%

GIVEN, under my hand and seal this 28th day of August Two Thousand and Nine, and of the Independence of the United States, the Two Hundred and Thirty-Fourth.

/s/ Jon S. Corzine
Governor
[seal]

Attest:

/s/ Kay Walcott-Henderson
First Assistant Chief Counsel
OWNERSHIP DISCLOSURE FORM

BID SOLICITATION #: ____________________________ VENDOR (BIDDER): ____________________________

PART 1
PLEASE COMPLETE THE QUESTIONS BELOW BY CHECKING EITHER THE "YES" OR THE "NO" BOX. ALL PARTIES ENTERING INTO A CONTRACT WITH THE STATE ARE REQUIRED TO COMPLETE THIS FORM PURSUANT TO N.J.S.A. 52:25-24.2
PLEASE NOTE THAT IF THE VENDOR/BIDDER IS A NON-PROFIT ENTITY, THIS FORM IS NOT REQUIRED.

1. Are there any individuals, corporations, partnerships, or limited liability companies owning a 10% or greater interest in the Vendor (Bidder)?
   YES ☐ NO ☐
   IF THE ANSWER TO QUESTION 1 IS "NO", PLEASE SIGN AND DATE THE FORM.
   IF THE ANSWER TO QUESTION 1 IS "YES", PLEASE ANSWER QUESTIONS 2 – 4 BELOW.

2. Of those parties owning a 10% or greater interest in the Vendor (Bidder), are any of those parties individuals?
   YES ☐ NO ☐

3. Of those parties owning a 10% or greater interest in the Vendor (Bidder), are any of those parties corporations, partnerships, or limited liability companies?
   YES ☐ NO ☐

4. If your answer to Question 3 is "YES", are there any parties owning a 10% or greater interest in the corporation, partnership, or limited liability company referenced in Question 3?
   YES ☐ NO ☐

IF ANY OF THE ANSWERS TO QUESTIONS 2 - 4 ARE "YES", PLEASE PROVIDE THE REQUESTED INFORMATION IN PART 2 BELOW.

PART 2
PLEASE PROVIDE FURTHER INFORMATION RELATED TO QUESTIONS 2 – 4 ANSWERED AS "YES".

If you answered "YES" for questions 2, 3, or 4, you must disclose identifying information related to the individuals, corporations, partnerships, and/or limited liability companies owning a 10% or greater interest in the Vendor (Bidder). Further, if one or more of these entities is itself a corporation, partnership, or limited liability company, you must also disclose all parties that own a 10% or greater interest in that corporation, partnership, or limited liability company. This information is required by statute.

INDIVIDUALS

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*Attach Additional Sheets if Necessary.*
### PART 2 continued

**PARTNERSHIPS/CORPORATIONS/LIMITED LIABILITY COMPANIES**

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*Attach Additional Sheets If Necessary.*

In the alternative, to comply with the ownership disclosure requirement, a Vendor (Bidder) with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. *N.J.S.A. 52:25-24.2.*

### CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor (Bidder), that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor (Bidder) is under a *continuing obligation* from the date of this certification through the completion of any contract(s) with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification. If I do so, I will be subject to *criminal prosecution* under the law, and it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

---

Signature (Do not enter vendor ID as a signature)  

Date  

Print Name and Title  

FEIN/SSN